11941
SUPERIOR COURT OF THE STATE OF CALIFORNIA
IN AND FOR THE COUNTY OF SANTA BARBARA
SANTA MARIA BRANCH; COOK STREET DIVISION
DEPARTMENT SM-2 HON. RODNEY S. MELVILLE, JUDGE

THE PEOPLE OF THE STATE OF)
CALIFORNIA,)
Plaintiff,)
-vs-) No. 1133603
MICHAEL JOE JACKSON,)
Defendant.)

REPORTER'S TRANSCRIPT OF PROCEEDINGS

WEDNESDAY, MAY 25, 2005

8:30 A.M.

(PAGES 11941 THROUGH 12008)

REPORTED MICHELE MATTSON McNEIL, RPR, CRR, CSR #3304
BY: Official Court Reporter 11941

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I N D E X

Note: Mr. Sneddon is listed as “SN” on index.
Mr. Zonen is listed as “Z” on index. Mr. Auchincloss is listed as “A” on index.
Mr. Mesereau is listed as “M” on index. Ms. Yu is listed as “Y” on index.
Mr. Sanger is listed as “SA” on index.

DEFENDANT’S WITNESSES	DIRECT	CROSS	REDIRECT	RECROSS
TUCKER, Chris	11944-M	11981-SN		
(Contd.)				

Santa Maria, California
Wednesday, May 25, 2005
8:30 a.m.

THE COURT: Good morning, everyone.
THE JURY: (In unison) Good morning.
COUNSEL AT COUNSEL TABLE: (In unison)
Good morning, Your Honor.
THE COURT: Has anyone seen my gavel?
(Laughter.)
THE COURT: You may proceed.

CHRIS TUCKER
Having been previously sworn, resumed the
stand and testified further as follows:

DIRECT EXAMINATION (Continued)
BY MR. MESEREAU:
Q. Good morning, Mr. Tucker.
A. Good morning.
Q. Mr. Tucker, yesterday, you testified that
Gavin Arvizo called you after the one fund-raiser
you attended, told you that no money had been
raised, and that because of what he said, you sent
him $1500 or more, right?
A. Yes. But he was over my house when he asked
for the money.
Q. It wasn't on the phone? 11944

A. It wasn't on the phone.
Q. Who was he with at your house when he asked for the money?
A. With his father.
Q. Okay. And did you write him a check right there?
A. No, I didn't have no money on me, so I told him I would wire it, and they gave me the information to the -- the place to wire the money to.
Q. Okay. And obviously that was a bank somewhere, right?
A. Yeah. It was -- yeah.
Q. Do you recall what bank it was?
A. No, because I just gave the information to my people to wire the money.
Q. Okay. Okay. Now, did you ever learn whether or not any money was actually raised at that first fund-raiser?
A. No.
Q. Did you ever learn whether or not other moneys had been deposited into that bank account?
A. No.
Q. Okay. And were you ever asked to attend any other fund-raiser for Gavin?
A. No.
Q. All right. Do you recall the words Gavin used when he asked you for money at your home after 11945

telling you no money had been obtained at the first fund-raiser?
A. It was just -- he was just real sad-looking and said he didn't -- they didn't raise any money, and they needed some money.
Q. Now, you saw people at that fund-raiser, right?
A. Yes.
Q. Were you a little suspicious when Gavin made that statement to you?
A. Yes. Yes, but I was always thinking I was helping him, so I just did it.
Q. Did his father also ask you for anything at that particular time at your house?
A. No.
Q. Okay. And did -- did it appear that his father drove Gavin to your home that day?
A. Yes.
Q. Did you ever see Gavin and his father at your home on any other day?
A. They visited a few times.
Q. And do you recall whether or not Gavin's mother came to your house on any occasion in Los Angeles?
A. Yes, one time.
Q. And approximately when was that, if you know?
A. I can't say approximately, but it was at the 11946

1 time we took the trip.
2 Q. Okay. And that would be in approximately
3 February of 2003, right?
4 A. I guess, yes.
5 Q. Okay. Now, do you recall the Arvizos --
6 excuse me. Do you recall any member of the Arvizo
7 family ever asking you for an automobile?
8 A. No.
9 Q. Do you recall whether or not any member of
10 the Arvizo family asked your fiancee Azja --
11 A. Yes.
12 Q. -- to try and get a car?
13 A. Yes.
14 Q. What do you know about that?
15 MR. SNEDDON: I'm going to object. Excuse
16 me. I'm going to object as hearsay.
17 THE COURT: Sustained. Foundation.
18 Q. BY MR. MESEREAU: Did you speak to Azja
19 about the Arvizos' desire to obtain an automobile?
20 A. Yes. Yes.
21 MR. SNEDDON: Your Honor, I move to strike.
22 Hearsay; lack of foundation.
23 THE COURT: Stricken. Sustained.
24 Foundation.
25 Q. BY MR. MESEREAU: Mr. Tucker, did you ever
26 say anything to Azja about whether or not the
27 Arvizos should get one of your cars?
28 A. Yes. 11947

Q. What did you say to Azja about that?
A. Well, they was calling to get some keys to a truck that I own, and I told her not to give them to her. But it was -- you know, we talked about it. And they kept calling, the kids kept calling, asking her for these keys for the truck.
MR. SNEDDON: Your Honor, I'm going to move to strike the answer as hearsay.
THE COURT: Stricken. It's nonresponsive.
Q. BY MR. MESEREAU: Was your information about the Arvizos' desire to take your truck, did that come from Azja?
A. No. Well, I knew about the truck, them wanting the truck, yes.
Q. How did you know about that?
A. Because -- because the kids was telling me they needed a ride around town. They needed a car. So I offered to give them the truck.
Q. Okay.
A. But then I said "No," because I got a little nervous.
Q. What did you get --
MR. SNEDDON: Your Honor, I'm going to object. Move to strike; hearsay.
MR. MESEREAU: It's impeachment, Your Honor.
THE COURT: Stricken.
Q. BY MR. MESEREAU: Did you ever decide not to give a truck to the Arvizos? 11948

A. Yes.
Q. Why?
A. Because I got a little suspicious and nervous, and I thought I was doing too much. I said -- I said, “No.”
Q. Who did you say “No” to?
A. I said it to my son’s mother after the fact that I offered it. But then I changed my mind.
Q. Okay. And you never gave any member of the Arvizo family any automobile?
A. No.
Q. Okay. Do you recall Gavin putting you on the telephone with Michael Jackson?
A. Yes.
Q. And --
MR. SNEDDON: Your Honor, I’m going to object. Vague as to time.
THE COURT: Overruled. Next question.
Q. BY MR. MESEREAU: Please explain what happened.
A. I was on the set of one of my movies in Las Vegas, and Gavin told me that he talked to one of Michael’s people, and it was -- possibly he was going to call the next day and we’d talk on the phone, because he knew I was a fan of Michael’s, I guess, and I told him that would be fine. And we talked on the next day. Michael was on the phone in my trailer, I went to my trailer and 11949

I talked to him, and that's when we talked.
Q. And did you go see Michael Jackson after
that call?
A. Yeah, after I finished filming, we made
plans to maybe later on connect and meet, and I did
in New York after I finished filming, we met.
Q. And did you stay in contact with Mr. Jackson
after that?
A. Yes.
Q. Okay. And are you in contact with him to
this day?
A. Yes.
Q. Okay. At some point you learned that Janet
and David Arvizo had separated, correct?
A. Yes.
Q. And how did you learn that?
A. Through my son's mother.
Q. Okay. And did you stay in contact with
David after that?
A. No.
Q. Did you stay in contact with Janet Arvizo
after the separation?
A. No.
Q. Did you stay in contact with the children?
A. They would call every now and then and we
talked very few times.
Q. Now, you mentioned your son's mother.
You're referring to Azja, correct? 11950

A. Yes. Yes.
Q. Before 2003, how many times do you think you had been to Neverland?
A. Probably five. Five, six times.
Q. And how many times -- excuse me. Had you ever been to Neverland with the Arvizos?
A. I think once or twice.
Q. And do you remember what the occasion was?
A. I remember one time it was -- I think they came for my son's birthday party, and also another two or three times. I don't know.
Q. And was Michael Jackson always at Neverland when you visited?
A. No.
Q. How many times do you recall seeing Michael Jackson at Neverland before the year 2003?
A. Once or twice.
Q. Now, at some point you learned about the Bashir documentary, right?
A. Yes.
Q. And how did you learn about that?
A. I think the news maybe, in the news.
Q. And do you know whether or not, after the Bashir documentary, you spoke to Gavin?
A. Yes, I did.
Q. And did you call him or did he call you?
A. I think he -- I called him one time, but I think he definitely probably called me, too. I 11951

don’t remember.
Q. Okay. Let me ask you a question about something that happened before the Bashir documentary that I neglected to talk about. At one point you took the Arvizo family to Oakland, right?
A. Yes. Yes.
Q. And approximately when was that?
A. I don’t know approximately, but it was -- I know it was during the football season, because I took them to a Raiders game and it was -- I can’t recall what --
Q. And who did you take to the Raiders game in Oakland?
A. It was my son, Davellin, Star, and Dave, the father, and Gavin.
Q. Okay. Was that just a one-day trip?
A. One day, yes.
Q. Did you pay for everything?
A. Yes.
Q. Okay. So you speak to Gavin after the Bashir documentary airs, right?
A. Yes.
Q. And what does he say to you?
MR. SNEDDON: Object. Hearsay.
MR. MESEREAU: Impeachment.
MR. SNEDDON: I’m --
THE COURT: Well, there’s two ways we can go. 11952

I can ask him to be more specific and then I don't want to hear "leading," you know. That's the problem.
MR. MESEREAU: I can be more specific if you'd like, Your Honor.
THE COURT: All right.
Q. BY MR. MESEREAU: Mr. Tucker, after the Bashir documentary aired, do you recall discussing with Gavin Arvizo whether or not the media was hounding their family?
A. Yes.
Q. And what did Gavin say about that?
A. One time I can recall he said that it was hard to get around because they had no transportation, and the media was following them everywhere.
Q. Okay. Did you ever talk to Janet Arvizo about that problem?
A. Not that I can recall.
Q. Okay. How about Star?
A. Most -- I can't remember.
Q. And how about Davellin?
A. Can't remember. No, I don't think so.
Q. Was Gavin the member of the family that called you the most?
A. Yes.
Q. Okay. Did Star call you from time to time?
A. He called. Sometimes he was on the phone, 11953

he would give the phone to Gavin. It was always
Gavin and Star.
Q. Okay. Never Davellin, that you remember?
A. No.
Q. Okay. And did you ever think the mother was
on the line or in the background?
A. No.
Q. Okay. Do you know one way or the other?
A. I don't know.
Q. And did you ever know where Gavin was
calling you from from time to time?
A. No. I knew sometimes he stayed with his
grandmother. Sometimes he stayed other places. I
just didn't know.
Q. Okay. Now, what did you say to Gavin when
he told you the media was hounding his family after
the airing of the Bashir documentary?
A. I told him, you know, I felt sorry for him
and I told him if there was anything I could do, I'd
try to do something, but --
Q. And did he make any request of you?
A. You know, he was always complaining about
they couldn't get around. And that's what made me
say, "Okay. I'll try to do what I can to try to get
them transportation." But -- I was very cautious
with that, but -- that's when I was like, "They
can't get around. The media's around them." So
that's what made me say, "I'll try to give them a 11954

1 car or something."
2 Q. You think you made that offer in the year
3 2003?
4 A. I think so, yes.
5 Q. Because they said they had no way to drive
6 around?
7 A. Yes.
8 Q. Did you know whether or not Michael Jackson
9 had lent them an automobile at that point?
10 A. Yes.
11 Q. But they still were saying they couldn't get
12 around?
13 A. Yes.
14 Q. Did that make you suspicious?
15 A. Yes.
16 Q. Did anything else that they did make you
17 suspicious?
18 A. Well, I think they did a lot of things that
19 I didn't see that my people were telling me to watch
20 out.
21 MR. SNEDDON: I'm going to object to that
22 and have that stricken. It's hearsay.
23 THE COURT: Stricken.
24 Q. BY MR. MESEREAU: Who were your people?
25 A. My brother, a few of my assistants that was
26 on the set with me, was watching everything, you
27 know. Gavin's behavior, Star's behavior. And they
28 was telling me, but I was working. And they was 11955

telling me to -- you know, it was time for them to leave.
"They're" -- "Chris, they're doing a lot of stuff," you know, and --
MR. SNEDDON: Your Honor, I'm going to object as hearsay and a narrative. Move that the answer be stricken.
THE COURT: Hearsay. Stricken. It's nonresponsive, also.
Q. BY MR. MESEREAU: Were your suspicions based on what you observed or what you observed and what other people told you?
A. I observed a lot of stuff, but I always -- you know, I always gave it the benefit of the doubt, because I felt sorry for Gavin and I always wanted to try to help him and I let a lot of stuff just go by. But I knew what they was talking about.
Q. What did you observe that made you concerned?
A. Well, they stayed for a long time in Las Vegas, but, like I said, I was working, you know. But they stayed. They wanted to move to my hotel, and they wanted the same room I had and stuff. I was getting all this information, but I was so busy. So I knew about that, and I knew about Gavin wouldn't sit down on the set and all this stuff. But I knew how Gavin was, and I just wanted him to have fun and be -- to be a kid, or whatever. 11956

So I did know everything, yeah, of course.
Q. Now, you say they stayed for a long time in Las Vegas. Were you paying for that?
A. Yes.
Q. How long do you remember their staying in Las Vegas?
A. It had to be weeks.
Q. Did you think they were taking advantage of you?
A. I was hoping they wasn't. I was hoping they wasn't, but, you know, when it got back to me, yeah, that's what it looked like. But I was hoping they wasn't.
Q. You mentioned Gavin's behavior on the set. Please describe what you're talking about.
A. He just -- just -- just bad, you know, being bad, being like a little kid.
And people -- you know, the director was telling me, you know, it was time for them to leave, they got to go. But I was like being naive, still being naive, you know, This kid, let him have some fun." But everybody was saying the same thing, so it was -- it was getting, you know, that we couldn't hardly film, because they wouldn't know it was time to -- for action, I mean, "Be quiet. We got to do a scene." So it got a little out of hand.
Q. And was anyone on the set in Las Vegas with the Arvizo children? 11957

A. The father was there, yes.
Q. Okay. Did you ever see the mother there?
A. I think she was there once or twice.
Q. Okay. And are you saying that the parents didn't seem to discipline the children very well on the set?
MR. SNEDDON: I'm going to object to the question.
THE WITNESS: No.
MR. SNEDDON: Compound in the use of "parents."
MR. MESEREAU: I'll rephrase it. I'll rephrase.
THE COURT: I'll sustain the objection.
Q. BY MR. MESEREAU: Did it appear to you that David properly disciplined his children on the set in Las Vegas?
A. No.
MR. SNEDDON: Object as leading.
THE COURT: Overruled.
Q. BY MR. MESEREAU: Did it appear to you that Janet properly disciplined her children on the set in Las Vegas?
A. No.
Q. How much of a problem were they on the set?
A. It -- you know, it was handled, but it was to a point that they -- you know, everybody had to say, you know, "Chris," you know, "We got to" -- "We 11958

got a job here to do. Make sure that they're either in the trailer or off." And then we had to send them off to have stuff to do all day.
Q. When you agreed to pay for their visit to Las Vegas, was there any understanding how long they would stay?
A. No.
Q. Okay. Did you have an expectation about how long they would stay?
A. A few days. Come to the set, visit, and then -- and then, of course, leave, yeah.
Q. And when did you learn that they had stayed there for weeks?
A. My brother told me, and was telling me that they wanted to stay where I was staying and they wanted the same room.
And I was like, you know, "Don't bother me with that stuff."
MR. SNEDDON: I'm going to object. Hearsay, move to strike.
THE COURT: Stricken.
Q. BY MR. MESEREAU: Did any member of the Arvizo family ever refer to you as part of their family?
A. Yes.
Q. Who?
A. The mother and Gavin and Star.
Q. And what did the mother say about that? 11959

A. She just was frantically always saying I was their brother and all that stuff, and that she loved me and all this stuff.
Q. And what was your reaction to that?
A. I was -- you know, I was getting a little nervous, because, you know, my whole thing was to just help the kid, not to get attached to the whole family. Not like that. Because I just wanted to make his life a little easier. So I said, you know, I need to watch myself because I know, you know, I'm high-profile, you know, I got to be careful, because sometimes when people see what you got and what you -- you know, they'll take advantage of you. So I tried to be careful and tried to pull back a little bit.
Q. What did Gavin say to you about being family?
A. He -- he always just said, you know, "You're like a big brother," and, you know, stuff like that.
Q. Did Gavin tell you he loved you?
A. Yeah.
Q. Did he say that often?
A. Yeah.
Q. Did Star say anything to you about being part of their family?
A. Yes.
Q. What did he say?
A. He -- he said, "You're like a brother to us. 11960

You're like a brother," always said stuff like that,
yeah.
Q. And did Star tell you he loved you?
A. Yes.
Q. Did Davellin say anything to you about being
part of their family?
A. Yes. Yes.
Q. And what did Davellin say?
A. She would always say, "You're like a big
brother to Gavin and Star," and she appreciated
everything I did for her little brother and stuff
like that.
Q. All right. Now, let's move to the period of
time after the Bashir documentary. You said you
spoke to Gavin about it, right?
A. Yes.
Q. He talked to you about the media hounding
them?
A. Yes.
Q. Did he make any requests?
A. He always complained about they couldn't get
around, and -- you know, and he wasn't feeling, you
know, good about that. So that was the main thing,
I think, that he said.
And so I tried to, you know, make that
easier for him, because I felt sorry for him.
Q. Now, at some point, did you travel to Miami
with the Arvizo family? 11961

A. Yes. Yes.
Q. And why did you do that?
A. Well, that was part of the -- they -- Gavin called, and they wanted to -- to -- they couldn't get around. The media was following them around. And they wanted to -- to find Michael. They wanted to go out of town to find Michael.
And I said, "Okay." I was trying to help them so they can get around and to get out of town so they can, you know, be left alone.
Q. And Gavin told you they wanted to be with Michael?
A. Yeah. They was looking for Michael and they wanted to find him and they wanted to go -- and they found out he was in Miami some kind of way and they wanted to go to Miami.
MR. MESEREAU: Your Honor, at this time, with the Court's permission, we'd like to put up Exhibit 451, which is in evidence. It would be Tab 6, page two. I'd like to put it on the overhead.
THE COURT: You may.
MR. MESEREAU: Thank you.
Q. Mr. Tucker, I'm showing you a document which is in evidence, and it appears to be a phone record of Mr. Jay Jackson, okay? And do you know who Major Jay Jackson is?
A. No. 11962

Q. Okay. Did you ever discuss with Janet Arvizo whether or not she had a friend who was in the United States Army?
A. No.
Q. She never told you anything about that?
A. I think boyfriend or somebody.
Q. You did learn about that?
A. Yes.
Q. All right. Let me just ask you a question about this document.
Now, if you look at the two calls on February 4th, you see a call from Reseda. Do you see that?
A. Yes.
Q. Then you see a second call on February 4th from Reseda?
A. Yes.
Q. Do you see that?
A. Yes.
Q. There is a number for both those calls. It's (818) 757-1861. Do you see that?
A. Yes.
Q. Whose number is that?
A. That's my number.
Q. And it says it's a call in the evening, right?
A. Yes.
Q. Okay. All right. Now, was that your cell 11963

1 phone number?
2 A. That's my home number.
3 Q. Okay. And do you recall any of the Arvizos
4 calling you on February 4th in the evening?
5 A. Yes.
6 Q. Okay. And who called you on February 4th in
7 the evening?
8 A. Gavin. Gavin called me, yeah.
9 Q. Is that the conversation where he said that
10 he wanted to be with Michael in Florida?
11 A. Yes.
12 Q. Okay. Now, do you remember --
13 Thank you, Your Honor.
14 Do you remember anything else that Gavin
15 said in those two calls on February 4th to you?
16 A. That was -- I think that was about it; that
17 he just said that they couldn't get around and they
18 wanted to get out of town, because they had nowhere
19 to go.
20 Q. Okay. And did you offer to help them go to
21 Florida?
22 A. Yes.
23 Q. What did you say to Gavin in that regard?
24 A. I said that, "Well, I may be" -- "I'm going
25 out of town, and maybe I can" -- I was thinking
26 about going out of town. So then at that time I
27 knew that they wanted to go out of town, so I said,
28 "Okay. You guys can fly with me. I'll fly you out 11964

of town, so you guys can," you know, "get away," yeah.
Q. And just to clarify, the phone records we just showed you, the call is from someone to you?
A. Yes.
Q. All right. You never called Gavin on February 4th?
A. I don't remember.
Q. Okay. All right. So did you agree to help Gavin get to Miami?
A. Yes.
Q. What did you tell him about that?
A. I told him to, you know, "Come over and you guys can fly with me" -- "I'll try to charter a plane, and you guys can fly with me and go to Miami."
Q. Now, did you tell Gavin that you had a home in Florida?
A. I told him -- he knew I had a house in Orlando, yes.
Q. How did Gavin know that?
A. I told him.
Q. Did you ask Gavin how he knew Michael Jackson was in Florida?
A. I can't remember. I'm pretty sure I did. But I think that he was calling Michael's people and he found out some kind of way.
Q. Now, at this point, given all the 11965

conversations you'd had with Gavin, his requests for money, the talk about automobiles, what you'd seen on the set, did you consider Gavin to be awfully sophisticated for someone his age?
A. Yes.
Q. And explain what you mean by that.
A. He was really smart, and he was cunning at times, but I always overlooked it because I felt sorry for him. But I knew he was -- he was a little kid, but he was cunning. And his brother Star was definitely cunning.
Q. When you say "cunning," explain what you're saying.
A. Always say stuff like, "Chris, let me have this. Let me have this. Let me get this. Come on, I'm not feeling good," stuff like that.
And I knew it was going a little too far, but I always said, "He's sick," you know, "He's got a lot of problems, family problems," so I always just overlooked it.
Q. Did you agree to take the family to Florida?
A. Yes.
Q. And did you do that?
A. Excuse me?
Q. Did you do that?
A. Yes.
Q. And how did you arrange that?
A. I chartered a plane, and it was later on in 11966

the evening when it was ready, the plane was ready,
and then we -- and we left.
Q. Okay. And if you remember, who was on the
plane with you?
A. Davellin, Janet, Star and Gavin.
Q. And did you speak to Gavin on the plane?
A. It was kind of late, so everybody sort of
fell asleep after -- well, everybody was happy and
was excited to go. Relieved -- like relieved to get
away from California. And we spoke -- everybody
spoke for a little bit, but it was kind of late.
And he was happy, ready to go see Michael, excited.
And then everybody sort of fell asleep.
Q. Now, how did everyone get to the plane, if
you know?
A. They was dropped off, I think.
Q. Okay.
A. You know.
Q. Do you know whether or not they went to your
house that day?
A. Yeah, they was dropped off at my house.
Q. At your house?
A. Yes.
Q. Do you know who dropped them off?
A. I don't -- I don't remember.
Q. Okay. And did you then go to the airport
with them?
A. Yes. 11967

Q. Okay. Now, before you went to the airport with them, do you recall having a discussion with Janet Arvizo at your home?
A. Yes.
Q. And what was that about?
A. That's the point that I was -- I was going to give her this truck, the loaner, this truck to drive, but I got real uncomfortable when I was getting ready to loan the truck because she started frantically crying, like -- not crying like something normal, but it was like something was wrong with her.
And I got really, really -- something in my spirit just didn't feel right about it, and I felt -- I said, "Oh, I'm going too far," because -- and I knew she was -- something mentally wasn't right. So I gave her the keys. But then I didn't feel -- I didn't feel comfortable about it at all.
Q. So was it your impression that Janet was, in her own way, asking for a truck?
A. No. I was just doing it as helping Gavin. I don't think she was asking for it, no.
Q. But you say she was acting kind of crazy?
A. She started acting frantically, like mentally something wasn't right.
And then I was, like, --
Q. Do you remember what she said?
A. She was just, like, you know, "Chris," you 11968

know, “you like a brother,” and the “brother” thing again, and crying and -- just frantically crying and stuff.
And then I was, like, “Something” -- you know, “Something ain’t right,” you know.
Q. And did you then go with the family to the airport and fly to Miami?
A. Yes.
Q. All right. Do you recall whether or not Janet seemed excited about going to Florida to see Michael Jackson?
A. Yes, she was excited. Everybody was excited, the kids. And everybody was excited to go down there to see Michael, yeah.
Q. Did Janet say anything about how excited she was, that you remember?
A. She was -- she was relieved to leave, and she was happy to -- to go. She was -- she was thanking me and was excited to see Michael. And the kids were. They was all excited.
Q. Did anyone in the Arvizo family ever give you the impression they were going there against their will?
A. No.
Q. Now, when you got to Florida, what did you do?
A. We met up -- I met up with my brother at the airport and then we went straight to the hotel. 11969

Q. And which hotel was that?
A. I think it was the Turnberry.
Q. Okay. And had you arranged in advance to have reservations at the Turnberry?
A. Yes.
Q. And did you stay there?
A. Yes.
Q. Okay. Now, when you got to the airport, did anybody pick you up?
A. Yeah, we had a car there. Yes.
Q. Okay. And did you arrange that or did Michael Jackson, if you know?
A. I arranged it and my brother was there waiting on me.
Q. Okay. Now, you got to Florida, went to the hotel, right?
A. Uh-huh.
Q. You went to the hotel with the Arvizos, right?
A. Yes.
Q. What's the next thing that happened?
A. I went to the hotel, and I went to my room, and the kids, I think, was looking for Michael.
Q. And were you with them when they were looking for Michael?
A. Yes. Yes.
Q. And did you see Michael?
A. Yes. 11970

Q. And where did you see Michael Jackson?
A. We went to his room. I think we all just went up there to say hello.
Q. And did you speak to Michael?
A. Yes, briefly.
Q. Was that in his hotel room?
A. Yes.
Q. Okay. And were the Arvizos with you when you spoke to Michael?
A. Yes.
Q. Do you recall your saying anything to Michael in his room?
A. Just said hello and was happy to see him.
Q. And did you discuss the Arvizos with him?
A. We did. I did.
Q. What did you say?
A. Later on I did. I just told him to watch out for Janet because I felt suspicious about her.
Q. And did you tell Michael Jackson why you were suspicious about Janet Arvizo?
A. Yeah, because -- and she even made me more suspicious later on. But first, like I said, I gave her the keys. I -- at that point I knew something wasn't right.
And then I was trying to talk to Michael. She kept interrupting, like -- and I was like -- I didn't know why she was doing it.
And then I just -- I tried to pull Michael 11971

in the room, and I said, “You need to watch out. Just be careful.” And then -- that was really brief, and then I left.
Q. Now, why was that conversation brief?
A. Because the phones was ringing, the kids was all over the place, and it was -- you know, Michael’s very busy, so it was always somebody pulling at him.
Q. Do you recall whether or not Michael responded when you said, “Be careful of these people”?
A. Yes, he did. He was listening. And we talked about other stuff and then I left.
Q. Okay. And where did you go when you left?
A. To my room.
Q. Okay. And when you went to your room, do you know where the Arvizos were?
A. I think they stayed in the room. I don’t know.
Q. Okay. Did you see Michael Jackson again on that trip?
A. I think I seen him once before and then I left.
Q. Okay. Did you see the Arvizos again on that trip?
A. Yes. Yes.
Q. Where did you see them?
A. I think I -- I think I seen them when I went 11972

back to say bye to Michael in the room or around the hotel.
Q. Now, do you recall whether or not you spent any money on the Arvizos on that trip, besides the flight?
A. The flight and -- and I can't remember if it was anything else.
Q. Did they get a massage or anything like that, that you remember?
A. No, not that I can remember.
Q. Okay. Okay. When you were trying to warn Michael Jackson about Janet, where was Janet?
A. She was in the next room.
Q. Okay.
A. Yeah.
Q. And did you -- did she ever come to you while you were trying to warn Michael?
A. I mean, it was knocks on the door. I don't know who it was. But I don't know who it was at the door, no.
Q. Do you recall Janet saying anything about Michael Jackson being a father to their family?
A. Oh, yes. Oh, yes. That was right before we went in the room. She was frantically -- the same thing. Michael's the father. I'm the brother. And that's when -- that's when I told Michael. I took him in the room, and I was trying to talk to him. I said, "Something ain't right." 11973

Because I was never around her that much until that point. They came to the house and then in Miami. And I said, “Mike, something ain’t right.”
Q. Do you recall in Miami whether Gavin was saying anything about Michael Jackson being a father?
A. Yes.
Q. And what was Gavin saying?
A. He was repeating the same thing. It was -- it was -- she was saying “father,” and Gavin was saying “father,” and he was saying I was a brother, and it was just getting to be a little bit too much.
Q. Okay. Now, when you were in -- did you go to Orlando at some point?
A. Yes, I went to Orlando the next day.
Q. Okay. And when you were in Orlando, did you learn whether or not Janet had any keys to a vehicle?
A. She left the keys at the hotel. I heard.
Q. At what hotel now?
A. I think at the Turnberry.
MR. SNEDDON: Your Honor, move to strike. Hearsay; lack of foundation.
THE COURT: Stricken. Sustained.
Q. BY MR. MESEREAU: Did you know whether or not Janet left any keys at the Turnberry Hotel?
A. Yes.
MR. SNEDDON: Same objection. Lack of 11974

1 foundation.
2 THE COURT: Foundation, sustained.
3 MR. MESEREAU: Okay.
4 Q. When you got to Florida with the Arvizos,
5 did you have any personal knowledge of whether or
6 not Janet had any keys to a vehicle?
7 A. Yes. I knew she had the keys, yes.
8 Q. Keys to what vehicle now?
9 A. To -- the keys that I gave her to the truck
10 that I own.
11 Q. Okay. And did you ever learn what she did
12 with those keys?
13 A. Yes.
14 MR. SNEDDON: Object. Lack of foundation.
15 THE COURT: Sustained.
16 Q. BY MR. MESEREAU: Did you ever get those
17 keys back?
18 A. No.
19 Q. What happened to them, if you know?
20 A. They was lost.
21 MR. SNEDDON: Object. Lack of foundation;
22 calls for hearsay.
23 THE COURT: Sustained. Foundation.
24 Q. BY MR. MESEREAU: Did you give the keys to
25 your vehicle to Janet?
26 A. Yes.
27 Q. And when did you do that?
28 A. When she was at my house right before the 11975

trip to Miami.
Q. Okay. Did you see her do anything with the keys?
A. She took them, put them in her hand, in a pocket. I don't know.
Q. And at some point did you ever try to find out where those keys were?
A. She called my son's mother looking for the keys. She lost them apparently.
MR. SNEDDON: Your Honor, I'm going to object. Move to strike as hearsay and ask counsel to move on.
THE COURT: Sustained. Stricken.
Q. BY MR. MESEREAU: Did you ever get the keys back at any time?
A. No.
MR. SNEDDON: Object. Asked and answered.
THE COURT: Overruled. The answer was, "No." Next question.
MR. MESEREAU: Okay.
Q. Now, at some point you got back to Los Angeles from Florida, right?
A. Yes.
Q. How long were you in Florida?
A. A couple of weeks.
Q. Okay. Did you still have the truck in your possession when you returned?
A. Yes. 11976

Q. And did you do anything to get a new set of keys to the truck?
A. No.
Q. Whatever happened with the keys, if you know?
A. They were lost. Fortunately they were lost, so -- yeah.
Q. All right. Now, after this Florida trip, did you ever hear from Janet again?
A. Yes.
Q. And when was that?
A. Well, I heard from the kids, several messages, wanting another pair of the keys to get the truck.
MR. SNEDDON: I'm going to object as nonresponsive and hearsay.
MR. MESEREAU: I'll rephrase it.
THE COURT: All right. I'll strike that answer.
Q. BY MR. MESEREAU: After you got back from Florida, did Janet ever call you again, to your knowledge?
A. No.
Q. After you got back from Florida, did Gavin ever call you?
A. Yes.
Q. And did he call you at home?
A. He called me, yes. 11977

Q. Okay. Do you remember what he said to you?
MR. SNEDDON: Object as hearsay.
THE COURT: Sustained.
Q. BY MR. MESEREAU: Mr. Tucker, you've described a truck --
A. Yes.
Q. -- that you had offered to the family. What kind of truck was that?
A. A Toyota truck. A Toyota truck.
Q. Do you know about what year that was?
A. What year was the truck? It had to be maybe 19 -- I don't know. I don't know.
Q. Do you know approximately what the truck was worth at that time?
A. Yes, 14,000. I think it was maybe a 2000 or something like that.
Q. Okay. Did Gavin continue to call you after you got back from Florida?
A. Yes.
Q. And did you continue to talk to Gavin?
A. Yes.
Q. And did Gavin ever ask you for any more financial assistance?
MR. SNEDDON: Object. Calls for hearsay, Your Honor.
MR. MESEREAU: Impeachment.
THE COURT: The objection is overruled. You may answer. 11978

THE WITNESS: They was constantly calling for the truck. And I felt like the mother was making them call for the truck because it was getting on my nerves.
MR. SNEDDON: I'm going to object to the last statement and ask it be stricken as conclusion and speculation.
THE COURT: Stricken, not responsive.
Q. BY MR. MESEREAU: When Gavin called you after the trip to Florida, did he himself ask for the truck?
A. Yes.
Q. Did Janet ever call you after the trip to Florida and, to your knowledge, ask for the truck?
A. I think once or twice. I don't remember.
Q. Okay. Do you remember whether or not Star called you after the Florida trip and asked for the truck?
A. I don't remember.
Q. Okay. Now, at this point in time, was it your understanding that Azja Pryor was in touch with the Arvizo family?
A. Yes.
Q. And do you know whether or not she was talking to them quite often?
A. Yes.
Q. And without saying what she told you, were you discussing the Arvizo family with Azja? 11979

A. Yes.
Q. Did you yourself ever discuss your concerns about the Arvizo family with Azja?
A. Yes. I told her about the truck, and I told her, “Don’t give it to them,” because I felt uncomfortable, and I felt like I did enough. And she was telling me they kept calling about the truck, because the truck was with her.
Q. When did you last talk to any member of the Arvizo family?
A. Last time I talked to them was Gavin for a quick second.
Q. And when was that?
A. It had to be a year ago. Almost a year or two ago, I think. A year ago, probably.
Q. And did he call you?
A. No, I called him.
Q. Okay. Why did you do that?
A. I was going through some old notepads that I had. I was throwing away a lot of numbers and I ran across his name, and I didn’t even think the number worked. And I just called it just to check, and he answered the phone.
And I said, “Gavin,” and he said, “Chris.” Like real happy, like, to hear from me, because he hadn’t heard from me for a long time. And he was like, “Hey, Chris,” and I said, “Hey, Gavin.” And all of a sudden I heard a “Get off that 11980

phone - now," and the phone just -- click.
And I knew it was Janet. And I was really
concerned at that time because I was, like, you
know, that was really, really strange, because, you
know, I didn't know what -- what was going on.
Q. Have you talked to any member of the Arvizo
family since that particular call?
A. No. No.
Q. Now, did that call -- Mr. Tucker, when do
you think the last time you spoke to Gavin was?
A. I think it was after the -- after the Miami
trip, I sort of, like, just wanted to distance
myself. So I think it might have been a few times
after that. I don't remember.
Q. And this is after you warned Michael Jackson
to get away from these people?
A. Yes.
MR. MESEREAU: No further questions.
THE COURT: Cross-examine?

CROSS-EXAMINATION
BY MR. SNEDDON:
Q. Good morning, Mr. Tucker.
A. Good morning.
Q. Mr. Tucker --
BAILIFF CORTEZ: Your microphone's off, sir.
Q. BY MR. SNEDDON: Mr. Tucker, were you
contacted by law enforcement with regard to making a 11981

1 statement involving the Michael Jackson
2 investigation?
3 A. Yes.
4 Q. And you declined to give a statement to law
5 enforcement, correct?
6 A. No, I don't think so.
7 Q. You don't think so?
8 A. No.
9 Q. You weren't contacted and asked if you would
10 cooperate with law enforcement and refused?
11 A. No.
12 Q. Do you recall your attorney being contacted
13 and requested that we talk to you?
14 A. Yes.
15 Q. And he declined to allow us to contact you?
16 A. No. No.
17 Q. That's your recollection?
18 A. Yes.
19 Q. Do you recall how many times that -- did
20 your attorney ever tell you that we had contacted --
21 that law enforcement had contacted you and wanted to
22 interview you?
23 MR. MESEREAU: Objection; privilege.
24 THE COURT: Sustained.
25 MR. SNEDDON: I'm not asking what was said,
26 I just want to know if he was contacted.
27 THE COURT: No, that's not what you asked.
28 MR. SNEDDON: All right. 11982

Q. Were you contacted by your lawyer about --
A. Yes.
Q. -- about a request for law enforcement to talk to you?
A. Yes.
Q. And on how many occasions?
A. I don't know how many occasions.
Q. It was more than once, was it not?
A. I don't remember.
Q. Do you recall law enforcement leaving cards at your house to ask you to call them so that they could interview you?
A. I recall they came one time and wouldn't even come to my door. I came outside looking for them. But they wouldn't come to my door.
Q. I asked if you recall them leaving business cards at your house and asking you to contact them so they could do an interview with you.
A. I don't know if they left them at the house. They might have left them at the gate. You can't get to my door unless they call me.
Q. What I'm asking is, do you recall law enforcement leaving any cards at your house asking you to contact them so they could interview you?
A. If they did, I would immediately return it to my attorney, and he got back in touch with them. I do recall giving it to my attorney to get in touch with them, because I know you have to do that or 11983

that's breaking the law.
Q. At any time prior to your testimony here this morning, did you ever grant an interview with any law enforcement officer?
A. We set up appointments and it never happened.
Q. You personally recall setting up appointments with law enforcement?
A. My attorney took care of that, yeah.
Q. That's your understanding?
A. That's my understanding, that my attorney did that, yes.
Q. That law enforcement never showed up?
A. They came to my gate one time, my mother was there as a witness, and never came to my door.
Q. No, I'm asking you whether or not on those occasions that you said that your attorney set up an interview with law enforcement that they didn't show up for the interview?
A. Excuse me?
Q. Maybe I misunderstood you. I understood you to say that, through your lawyer, you actually consented to an interview with law enforcement; is that correct?
A. Of course. I told him if -- if I got to go in there, I got to go in.
Q. And was an appointment set up to do that with law enforcement, to your knowledge? 11984

A. It was supposed to be set up. To my knowledge, it was supposed to have been set up, and I think you guys didn't want to interview me.
Q. That's what you think, huh?
Did you ever -- so at no time prior to your appearance here in court were you ever interviewed by law enforcement; is that a fair statement?
A. I don't think so. I don't remember.
Q. Now, the telephone call that you told the jury about where you heard Janet yell in the background to hang up the telephone, do you recall that?
A. Yes.
Q. You just testified about that. That actually was made by you to Gavin after the charges had been filed against Mr. Jackson; isn't that correct?
A. Yes. It was that time period, yes.
Q. And prior to that, you had been seen publicly with Mr. Jackson appearing at a number of functions; isn't that correct?
A. I don't remember.
Q. Well, did you appear publicly at a number of functions with Mr. Jackson at or about the time the charges were filed in this case?
A. I don't remember. I don't.
Q. You don't -- you can't say one way or the other? 11985

A. I don't -- maybe. Maybe not. I --
Q. Would you agree with me that there certainly were occasions that you did appear with Mr. Jackson publicly?
A. I can't say. I can't say, because at that period of time I didn't see Michael for a while, for a long time, yeah.
Q. So you have no recollection of ever appearing publicly with Mr. Jackson during that time period, after the charges were filed and between the time of the telephone call with Gavin?
A. Maybe. Probably before that period of time or -- I don't know. I can't remember.
Q. Would you agree with me that after you were introduced to Mr. Jackson by Gavin that you and Mr. Jackson thereafter struck up a friendship?
A. Yes.
Q. And that, as you describe it, you became friends?
A. Yes.
Q. So it was an ongoing relationship between you and Mr. Jackson?
A. Yes.
Q. Do you recall an occasion of being with Mr. Jackson -- let me ask you this question. Do you know who Al Malnik is?
A. Yes.
Q. And do you recall an occasion where you were 11986

actually photographed with Mr. Jackson and Mr. Malnik together?
A. Yes.
Q. And that that photograph was actually made public. Do you recall that?
A. Yes. No, I don't recall the photograph, but I know that we was at a birthday party one time.
Q. And was that at Neverland Ranch?
A. No.
Q. It was at another -- it was in Miami?
A. Yeah, it was in Miami.
Q. Where Mr. Malnik lives?
A. Yes.
Q. And that would have been after the charges had been filed in this case; isn't that correct?
A. I don't remember.
Q. Let me go back a little bit and talk a little bit about your relationship with Gavin. You first met Gavin because of his cancer, correct?
A. Yes.
Q. And you were kind enough to actually visit Gavin in the hospital on a number of occasions, correct?
A. Yes.
Q. And when you visited Gavin at the hospital on those occasions, his father David was there most of the time, correct?
A. Yes. 11987

Q. Did -- and I guess, based on your testimony,
you never met Janet Arvizo at the hospital?
A. Most of the time they -- you know, I asked
about it, but they was ashamed of her.
MR. SNEDDON: Move to strike as
nonresponsive, Your Honor.
THE COURT: Stricken.
Q. BY MR. SNEDDON: What I asked you, Mr.
Tucker, was when you visited the hospital and
visited Gavin, did you meet Janet Arvizo at the
hospital?
A. No.
Q. And you were also kind enough that, on New
Year's Eve or right after New Year's, which would be
the year 2001, you and Azja Pryor and your son
visited Gavin in the hospital, correct?
A. I think it was just me. It was New Year's
night. It was New Year's Eve, yes.
Q. And you don't think Azja Pryor was present?
A. I think she might have been. She might have
been.
Q. When you were there that night, do you
recall having a conversation with Janet on the phone
on that evening?
A. I don't know. I don't remember.
Q. Do you recall Janet telling you that she
appreciated very much everything that you were doing
for her son? 11988

A. I don’t remember.
Q. Were you aware of the fact that Gavin had attended a comedy camp at The Laugh Factory?
A. Yes.
Q. And you are aware of the fact that Gavin was very fond of comedians, correct?
A. Yes.
Q. And that one of the reasons that he had selected to meet you was because you were a comedian of some note, correct?
A. I wasn’t aware he was fond of that many comedians. I think his father said I was his favorite comedian, and I didn’t know they had contacted everybody in the whole town.
Q. Well, a lot of comedians, correct?
A. I wasn’t aware of that. I thought that he was -- you know, he was particularly saying, “Chris, you are my favorite comedian, and you are” -- you know.
Q. Did he talk to you about the fact that he admired Jay Leno?
A. No. He didn’t mention not one time about any other celebrities, any other times.
Q. Okay.
A. Not one time.
Q. So the answer is “No”?
A. No.
Q. So if I would read you a list of 11989

1 celebrities, the answer would be “No,” “No,” “No”?
2 A. To me he mentioned nobody but Michael
3 Jackson. And he knew I was a fan of Michael
4 Jackson, and that was it.
5 Q. Okay. So your testimony is that he
6 mentioned to you when he was in the hospital that he
7 was a friend of Michael Jackson’s -- a fan of
8 Michael Jackson’s?
9 A. He mentioned it when we first met, because I
10 guess he seen from my movies that I’m a fan of
11 Michael Jackson. So he mentioned it. The first
12 thing that came out of his mouth --
13 MR. SNEDDON: Your Honor, I’ll move to
14 strike as nonresponsive.
15 THE COURT: Overruled. Next question.
16 Q. BY MR. SNEDDON: I think the question I
17 asked, Mr. Tucker, was, was that what he told you in
18 the hospital?
19 A. No.
20 Q. Okay. So he was not in the hospital at the
21 time that he told you that he was a fan of Michael
22 Jackson?
23 A. The first time we met he told me he was a
24 fan of Michael Jackson.
25 Q. And that would have been at The Laugh
26 Factory?
27 A. The Laugh Factory, yes.
28 Q. At the benefit? 11990

A. Yes.
Q. Okay. Did he tell you at that time that he knew Michael Jackson?
A. At what time?
Q. At The Laugh Factory, the first time you met him.
A. Yes. Yes.
Q. And that he had been in contact with Michael Jackson?
A. Yes.
Q. By way of phone?
A. Yes.
Q. And during the time that you took Gavin to Knott's Berry Farm with your family, that was a time when Gavin was still fighting his battle with cancer, correct?
A. Yeah. I think he was still going through chemotherapy, yes.
Q. And were you aware from conversations -- well, I'll just ask you, were you aware of the fact that the family was having financial problems?
MR. MESEREAU: Objection. Assumes facts not in evidence; foundation.
THE COURT: Overruled.
You may answer.
Q. BY MR. SNEDDON: Just "yes" or "no" is fine.
A. I had an idea they were, but I wasn't concerned. I was concerned about his health. 11991

Q. All right. So that's fair enough. Did you
ever visit their apartment in East Los Angeles?
A. No.
Q. Did you know they lived in East Los Angeles?
A. They told me they lived, yeah, in East Los
Angeles, yeah.
Q. Did you know that the mother of your child,
Azja Pryor, had actually visited their place in East
Los Angeles?
A. Yes.
Q. Did she describe to you what the place was
like?
A. Yes.
Q. And it was pretty bad, wasn't it?
A. She -- she really told me what -- mostly
about what -- you know, what was going on. I don't
remember what she said. I really don't.
Q. So she didn't describe what this one-room
apartment was like?
A. I don't think she was concerned about that.
I think she was more concerned about what was going
on with that family.
Q. But the question --
Move to strike as nonresponsive, Your Honor.
THE COURT: Stricken.
Q. BY MR. SNEDDON: I asked you whether she
described to you the apartment.
A. No, she described what -- you know, there 11992

was a lot of problems going on in that family and I was asking her why was she over there with my son.
MR. SNEDDON: Move to strike as nonresponsive, Your Honor.
THE COURT: Stricken.
Q. BY MR. SNEDDON: So --
THE COURT: The first --
MR. SNEDDON: Everything beyond “No.” So we don’t have to go through this again. Thank you.
THE COURT: Yes.
Q. BY MR. SNEDDON: Were you aware of the fact when you visited the hospital that the father, David Arvizo, was not working?
A. No.
Q. Were you aware of the fact that, during the time that you were visiting the hospital, that the mother was working?
A. No.
Q. Were you aware of the fact of how the medical bills were being paid?
A. No.
Q. And when you gave the money -- let me talk about this situation where you actually were kind enough to give money to the family. Gavin was at your house, correct?
A. Yes.
Q. And the father was at the house?
A. Yes. 11993

Q. Was Star at the house?
A. Star was there, yes.
Q. And I want to see if I'm not confusing this with something else in your statement to the defense investigator. But you indicated that there was an occasion where Gavin asked you for some money, and that he was being prodded into it by his father David; is that correct?
MR. MESEREAU: Objection; misstates the evidence.
THE COURT: Overruled.
You may answer.
THE COURT: Do you want the question read back?
THE WITNESS: Yes.
THE COURT: All right. The court reporter, read it back, please.
(Record read.)
THE WITNESS: It was a time that Gavin approached me and asked for some more money after I initially sent some money, wired some money.
And I was -- I didn't know. I was suspicious. I didn't know if it was the father, because I was still naive; Gavin -- would Gavin do something like that.
But then I thought about it. And Gavin was so cunning and so smart that I -- Gavin -- it's hard -- if Gavin didn't want to do something, he's 11994

not going to do it, so --
MR. SNEDDON: Your Honor, I move to strike as nonresponsive to the question.
THE COURT: Stricken.
Q. BY MR. SNEDDON: Mr. Tucker, the question I asked was, do you recall telling the defense investigator in this case that there was an occasion where Gavin Arvizo and David Arvizo were at your house and that Gavin was being prodded by his father to ask for money?
A. I said --
Q. Do you recall that?
A. I remember the occasion that Gavin came to me and asked for some more money and his father was with him and his father said, “Gavin, come to the car.”
And I told Gavin, “No, I can’t give any more money, you guys.” I remember that occasion.
Q. Do you remember telling the defense investigator that the father was actually prodding and pushing Gavin to ask for the money, but you said it appeared Gavin didn’t want to ask? Do you recall telling him that?
A. I thought I told Gavin that I couldn’t give any more money. And when the father responded, “Gavin, let’s go,” I didn’t -- I was like, “What is this? Is this a tag team?” I didn’t know what was going on. But I knew Gavin was smart enough and I 11995

knew that he was --
MR. SNEDDON: Your Honor, move to strike as nonresponsive.
THE COURT: Stricken as nonresponsive.
Q. BY MR. SNEDDON: I'm going to ask one more time, and if the answer is "no," that's fine. I just want to -- did you tell the defense investigator in this case that there was an occasion --
A. Yes.
Q. -- where Gavin -- let me finish, in fairness to you. Let me finish the question.
That Gavin Arvizo asked you for money and that you -- your observation was that he didn't want to do it but was being pushed by the father to ask?
A. No, no.
Q. You never told the investigator that?
A. What I said is, yes, I told them I thought the father was a part of that, but Gavin was the one who asked me for the money. And I said I think the father was there with him.
Q. Put him up to it?
A. No. I knew Gavin was doing it on his own, but the father was there. And I think they was doing it together. That's what I said.
Q. And you didn't say that Gavin was reluctant to do it; is that --
A. I said the father was there, and Gavin was 11996

asking, yes.
Q. The question is “yes” or “no.” Your opinion was that Gavin wasn’t being prodded into it by his father?
A. I think it was both of them, yes.
Q. And this was at a time when Gavin was still going through chemotherapy, correct?
A. I don’t remember. I don’t remember.
Q. Do you remember when it was that the Arvizos split up?
A. I don’t remember. They didn’t tell me. I’ve heard from other people.
Q. Now, at the time that you took the family to the Raiders game, was Gavin still going through chemotherapy at that time?
A. I think so. I think so.
Q. And the father was there on that trip?
A. Yes.
Q. And you also took Gavin to some Laker games, did you not?
A. Yes.
Q. In fact, you took Gavin down to the locker room on one occasion; is that correct?
A. Yes.
Q. Introduced him to some of the players?
A. Yes.
Q. And you arranged, actually, to have Gavin’s photograph taken with Kobe Bryant at one time, did 11997

you not?
A. Yes.
Q. Were you the one that arranged to have Gavin's picture put up on the speaker system above the arena at the Laker game?
A. I don't remember.
Q. Now, you told us that you began to develop some suspicions about Gavin, is that correct, or the family?
A. Yes.
Q. Which was it, the family or Gavin?
A. It was the family.
Q. Okay. And was this a time -- at a time when Mr. Arvizo, David Arvizo, was involved with the kids?
A. Excuse me?
Q. Was this a time when your suspicions started to develop that David Arvizo was still in the family picture?
A. It started when we was -- when I met the entire -- in Vegas, when they was staying the whole time and not leaving.
Q. Up to that point in time you had no reason to have any suspicions?
A. I wasn't.
Q. And that's when -- when you began to have doubts in your mind, let's put it that way; is that fair enough? 11998

A. That's when my people was telling me that,
"Watch out."
Q. Now, that trip to Las Vegas, you were
filming there on the set. And that was during a
summer, was it not?
A. I think so.
Q. That would have been the summer of 2001;
isn't that correct?
A. I think so.
Q. Or 2000? 2001?
A. I don't know.
Q. Well, it was your movie -- so -- I mean,
2001?
A. I think we were filming in 2001, 2002. It
was a long movie. I'd have to check.
Q. Do you recall when the movie came out?
A. I think it came out 2001.
Q. Now, the car that -- did you see them
driving a car at that point in time?
A. They -- I think they had a truck.
Q. That was the one that Mr. Jackson had given
them, correct?
A. Yes.
Q. And based upon your direct examination
testimony, was it your impression that the Arvizo
family retained custody and control of that truck
all the way up during the time that you were talking
to them about the other Toyota truck? 11999

MR. MESEREAU: Objection; foundation.
THE COURT: Overruled.
You may answer.
THE WITNESS: Repeat the question.
Q. BY MR. SNEDDON: Yeah. You told the jury that you were a little suspicious of the Arvizo -- or the Arvizo family about you giving them the truck, because you thought that Michael Jackson had already given them a truck. Did you not tell us that?
MR. MESEREAU: Objection; misstates the evidence.
THE COURT: Sustained.
Q. BY MR. SNEDDON: Did you have -- did you have a concern at the time that you were talking to the Arvizos about the Toyota truck that they already had a truck that had been given to them by Mr. Jackson?
A. They told me they didn't have a car. And I just said -- you know, trying to help out Gavin, giving them another car.
Q. So the fact that Mr. Jackson had at one time given them a car or a truck was not -- you didn't feel that they were misrepresenting the fact that they didn't have a car, correct?
A. I didn't ask any questions, because, I mean, it's a little kid. So I just said, you know, "If you need a car, I'll" -- you know, "I'll get you a 12000

car." I didn't know what happened, if it broke down or what. I didn't know.
Q. Mr. Tucker, what I'm asking you was what your mindset was at the time these conversations were going on with Gavin Arvizo regarding the truck. Was it your mindset that they already had a car that had been given to them by Mr. Jackson?
A. I was -- I didn't even think about it, because the car -- I didn't think about the car that they already had or Mr. Jackson's car. I wasn't even thinking about that. They told me they didn't have a car and I gave them a car.
Q. At the point you gave them a car, you had no suspicion that they did not have a car, correct?
A. I -- I didn't think about it. I just didn't think about it. I should have, probably, but I didn't think about it.
Q. If you didn't think about it, I guess you didn't have a suspicion then, right?
A. I didn't know. I just --
Q. All right. Did you know that, in fact, that car -- that Mr. Jackson's car had been returned?
A. No.
Q. Over a year before?
A. No.
Q. And you knew at the time that they were talking to you about the subject of the Toyota, your Toyota truck or Azja's Toyota truck, Azja Pryor's, 12001

that the father, David Arvizo, was no longer in the picture, he had been gone for a while, correct?
A. I had heard from my son's mother that there was a lot of problems going on, and -- you know, all this stuff. And I just heard a lot of stuff. So I didn't know definitely. I was hearing a lot of stuff.
MR. SNEDDON: Your Honor, move to strike as nonresponsive.
THE COURT: Sustained. Stricken.
Q. BY MR. SNEDDON: What I asked you, Mr. Tucker, was, did you know at the time that they were talking about the truck whether or not David Arvizo was no longer a part of the family? Did you know that?
A. Well, how I found out was through my son's mother. Because they told me that there was all this stuff going on in the family.
Q. Okay. So --
A. They didn't tell me anything.
Q. I'm not --
A. They didn't tell me.
Q. I'm -- that's fine. I just want to make sure we understand. Your understanding was, at this point in time, that the father was no longer in the picture, correct?
A. I just heard a lot of mis -- stuff. I didn't know. I didn't know what was going on. No, 12002

I didn’t know.
Q. You hadn’t seen David Arvizo for a long time?
A. I didn’t see the whole family for a little while. I didn’t see them every day.
Q. I know you didn’t see them every day. But you talked about having phone conversations with them, didn’t you?
A. With who?
Q. You talked about having phone conversations with the family.
A. He never told me everything. Every time Gavin called, I asked him how he was doing, but he never told me about this other stuff.
Q. When was your brother married?
A. I don’t know. A few years ago. I don’t know. My brother? Which brother?
Q. Well, the one that got married that you took the kids to. The wedding.
A. That I took the kids?
Q. Do you remember taking -- inviting the Arvizo children to your brother’s wedding?
A. My brother -- okay, I know which one you’re talking about now. I don’t know what year. It had to be maybe 2000. Maybe. I don’t know.
Q. Do you recall going to a wedding in Pasadena for your brother?
A. Yes. 12003

Q. You can't recall the year that you went to your brother's wedding?
A. No.
Q. You invited the Arvizo children to go with you, did you not?
A. Well, they wanted to go, and they basically invited themselves, but, yeah, they came.
Q. You could have said "No."
A. Yeah, but I thought I was doing the right thing.
Q. Okay. So you took them to your brother's wedding in Pasadena, correct?
A. They came to the wedding, yes. They wasn't in the car with me.
Q. Okay. But they -- you had your picture taken with them at the wedding, didn't you?
A. Yeah, they was at the wedding. They showed up.
Q. But you invited them?
A. Yeah. If they wanted to come, they could come.
Q. I mean, they didn't know where the wedding was. You had to give them the information, didn't you?
A. No, I didn't. I didn't know where the wedding was. I mean, they sent out -- they must have called somebody. I don't know. I don't know how -- 12004

Q. You don't know how they found out where the wedding was in Pasadena?
A. No.
Q. It was at a private residence, wasn't it?
A. Well, you could call -- I mean, they got people for that, that when they do weddings. I don't know who they called. But I'm pretty sure they asked me -- I don't remember if I told them to come, because, you know, like I said, anything, you know, for Gavin, for him to feel, you know -- have some fun or whatever. And he knew my brother, so --
Q. Well, at this point in time, Gavin's cancer had been in remission for some time, hadn't it?
A. I think he was doing better, yeah.
Q. I mean, in the photograph that shows you and the kids, Gavin no longer has the pale look --
A. Yes.
Q. -- and the loss of hair, right? Correct?
A. In the photograph. Which one?
Q. The one taken with you at the wedding with the kids.
A. I don't remember. I don't remember that photograph.
Q. He has all his hair back and it's dark again; isn't that correct?
A. I think he did, yeah. He was doing pretty good at that time.
Q. In fact, he'd been over cancer for almost a 12005

1 year, in remission, hadn't he, by the time your
2 brother got married?
3 A. I'm pretty sure that he was getting better
4 at that time, yes.
5 Q. And he looked very healthy at the time the
6 photograph was taken at the wedding; isn't that
7 correct?
8 A. I don't even know what photograph you're
9 talking about, but I guess you know.
10 Q. Okay. I'm going to show it to you in just a
11 second. Maybe that will help you jog your memory.
12 A. Okay.
13 Q. Now, you bought your -- the mother of your
14 child - I should refer to her as Azja Pryor - a new
15 car. It was a Mercedes SUV, correct?
16 A. Yes.
17 Q. And when you went to buy that car, you
18 actually took the Arvizo children with you, did you
19 not?
20 A. I don't remember.
21 Q. You don't recall them being with you; that
22 you took them and you even allowed them to pick out
23 the color?
24 A. I don't remember. They may have been with
25 me. I don't know.
26 THE BAILIFF: Judge.
27 Q. BY MR. SNEDDON: And that would have been
28 somewhere just before Christmas of the year 2002, 12006

1 correct?
2 A. I don’t know. I don’t remember.
3 Q. You don’t remember when you bought Azja
4 Pryor a Mercedes SUV?
5 A. I can -- I know it was -- it was recently.
6 But I don’t remember exactly, the exact date and
7 time, because I don’t remember.
8 Q. Well, can we pin it down that it was before
9 Christmas --
10 THE COURT: Counsel. Let’s take a break.
11 MR. SNEDDON: Okay. Judge.
12 (Recess taken.)
13 --o0o--
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28 12007

REPORTER'S CERTIFICATE

THE PEOPLE OF THE STATE)
OF CALIFORNIA,)
Plaintiff,)
-vs-) No. 1133603
MICHAEL JOE JACKSON,)
Defendant.)

I, MICHELE MATTSON McNEIL, RPR, CRR, CSR #3304, Official Court Reporter, do hereby certify:

That the foregoing pages 11944 through 12007 contain a true and correct transcript of the proceedings had in the within and above-entitled matter as by me taken down in shorthand writing at said proceedings on May 25, 2005, and thereafter reduced to typewriting by computer-aided transcription under my direction.

DATED: Santa Maria, California, May 25, 2005.

MICHELE MATTSON McNEIL, RPR, CRR, CSR #3304

SUPERIOR COURT OF THE STATE OF CALIFORNIA
IN AND FOR THE COUNTY OF SANTA BARBARA
SANTA MARIA BRANCH; COOK STREET DIVISION
DEPARTMENT SM-2 HON. RODNEY S. MELVILLE, JUDGE

THE PEOPLE OF THE STATE OF)
CALIFORNIA,)
Plaintiff,)
-vs-) No. 1133603
MICHAEL JOE JACKSON,)
Defendant.)

REPORTER'S TRANSCRIPT OF PROCEEDINGS

WEDNESDAY, MAY 25, 2005

8:30 A.M.

(PAGES 12009 THROUGH 12160)

REPORTED MICHELE MATTSON McNEIL, RPR, CRR, CSR #3304
BY: Official Court Reporter 12009

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I N D E X

Note: Mr. Sneddon is listed as “SN” on index.
Mr. Zonen is listed as “Z” on index. Mr. Auchincloss is listed as “A” on index.
Mr. Mesereau is listed as “M” on index. Ms. Yu is listed as “Y” on index.
Mr. Sanger is listed as “SA” on index.

DEFENDANT’S
WITNESSES DIRECT CROSS REDIRECT RECROSS
TUCKER, Chris 12045-M

PLAINTIFF’S
WITNESSES DIRECT CROSS REDIRECT RECROSS
ROONEY, Timothy
Patrick 12057-SN 12060-SA 12065-SN
MERIDITH, Shane 12082-SN 12084-M 12090-SN
SALAS,
Jesus 12092-A 12102-M 12114-A
ALVAREZ, Victor 12117-A 12126-SA 12141-A 12143-SA

1 E X H I B I T S
2 FOR IN PLAINTIFF'S NO. DESCRIPTION I.D. EVID.
3 900 DVD of sheriff's interview
4 of Gavin Arvizo 12150
5
6
7
8
9 DEFENDANT'S NO.
10 5108 One page of Verizon phone records 12158
11
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28 12012

THE COURT: Counsel?
MR. SNEDDON: Thank you, Your Honor.
Q. Mr. Tucker -- there we go.
Mr. Tucker, you were shown a phone number on an exhibit that was displayed on the board there, and you identified that as your phone number, correct?
A. Yes.
Q. That's a landline, meaning it's a non-cell phone? That's your home phone number?
A. Yes.
Q. And that's a number you had given to Gavin, correct?
A. Yes.
Q. Is that the only number you gave?
A. No, I gave him a voice mail number when we first met, and eventually he had my home phone number.
Q. Does your home phone also have voice mail on it?
A. Yes, message.
Q. Yeah, yeah, voice message, sorry.
Now, I want to show you a photograph, if we could have --
MR. AUCHINCLOSS: "Input 4."
MR. SNEDDON: -- "Input 4."
Q. Would you take a look at that for a second.
And that's People's Exhibit -- People's Exhibit No. 14. 12013

Do you recognize the people depicted in that photograph?
A. That's a nice photograph. Can I get it after the trial?
(Laughter.)
A. I haven't even seen it.
Q. That depends on whether you're a good boy or not.
(Laughter.)
Q. Do you recognize that?
A. Yes, I do.
Q. The people in the photograph?
A. Yes, I do.
Q. And that's you and your son and your girlfriend, correct?
A. Yes.
Q. And the Arvizo family?
A. Yes.
Q. And that photograph was taken at your brother's wedding?
A. Yes.
Q. Okay. All right. Thank you.
Your son, I believe his name is Dustin?
A. Yes.
Q. Okay. And what is Dustin's birthday party -- birthday name -- excuse me. What is Dustin's date of birth?
A. September the 13th. 12014

Q. Okay. And so his birthday would be on
September 13th?
A. Yes.
Q. And do you recall having a birthday party
for him at Neverland Valley Ranch?
A. Yes.
Q. And you invited a number of people to the
party, correct?
A. Yes.
Q. And in fact, you invited the Arvizos to that
party, correct?
A. Yes.
Q. And in order to get everybody out to the
ranch, you chartered two big buses to get them out
there, correct?
A. No, we had one bus. One bus. I think it
was one bus, yes.
Q. Just one bus?
A. It might have been two. I don't know.
Q. Do you recall that the Arvizo family was on
the same bus that you were on?
A. Yes.
Q. And that, in fact, Janet Arvizo was on that
bus, correct?
A. I don't know if she was on there or not.
Q. You don't recall seeing Janet Arvizo and a
person named Jay?
A. I think so. I think so. 12015

Q. Now, that birthday party that you had for your son was during the year 2002, correct?
A. I think so. I think.
Q. And how old would your son have been in the year 2002?
A. Might have been five, going on five.
Q. Okay. Now, after the birthday party, did you stay at the ranch with your son?
A. I don't remember. I don't remember.
Q. Do you recall an occasion during the year 2002 where you were at the ranch during the summer for about a week with your son?
A. I don't remember how long it was, but I know I've been at the ranch with my son before, yes.
Q. Okay. And do you recall that during the summer of 2002, you were at the ranch with your son and the Arvizo children for approximately a week?
A. I knew we all was at the ranch before one time, and I don't know what year, what time. I don't remember now.
Q. But you do recall spending at least a week with the Arvizo children at Neverland Valley Ranch at some point in time?
A. I don't remember how long it was or how many days it was.
Q. Was it more than --
A. What year it was.
Q. Was it more than two days? 12016

A. I don’t remember. I don’t remember.
Q. Do you remember going horseback riding with the children at the ranch?
A. I remember that.
Q. All right. I think we were -- one other thing I want to go back and clear up.
You told the ladies and gentlemen of the jury that you gave -- or you wired some money or had money wired to an account that was given to you -- account information that was given to you at your house, correct?
A. Yes.
Q. And the people who were present at your house on that occasion were David Arvizo, Gavin Arvizo and Star Arvizo, correct?
A. Yes.
Q. Okay. And it was the father, David Arvizo, who gave you the account information, correct?
A. No, Gavin gave it to me.
Q. Gavin gave you the account information?
A. It was on a news -- a paper, a piece of paper, and he gave it to me.
Q. Okay. So he showed you an article that had been published about him?
A. Yes.
Q. And he showed you the account information on that?
A. And he gave me the proper spelling of his 12017

name, because I didn't -- he spelled down the name and everything.
Q. I want to talk a little bit about the car, or the truck, the Toyota truck, okay?
Do you recall that the new car you bought for Azja Pryor was before Christmas of 2002?
A. It might have been that time.
Q. Okay. And do you recall that when you made the decision to give the Toyota truck to the Arvizo family, that that decision was made around Christmastime, that it was going to be a gift to them?
A. No.
Q. It was never going to be a gift to them?
A. No.
Q. Did you ever tell Azja Pryor that it was going to be a gift to them?
A. No.
Q. So it's your testimony that the decision on your part to give the Arvizos the truck occurred after the Bashir video?
A. Yes.
Q. And one of the things that you said that kind of turned you off was Janet's reaction to the news that you were going to give her the truck?
A. Yeah.
Q. She was overly effuse -- overly grateful to you? 12018

A. No.
MR. MESEREAU: Objection; misstates the evidence.
Q. BY MR. SNEDDON: Did she tell you that she was grateful that you gave her the truck?
A. Her behavior was frantic, and I was -- I was -- I got real scared that I went in too deep with the family.
MR. SNEDDON: Your Honor, I move to strike as nonresponsive.
THE COURT: Sustained. Stricken.
Q. BY MR. SNEDDON: What I asked you, Mr. Tucker, was, did Janet Arvizo tell you that she was grateful to you for giving them the truck?
A. She was -- like I said, she was crying, and saying that -- she didn't say that, no. She was just saying, "You're my brother. You're like a brother. And Michael's like a father." She kept repeating it and she kept repeating it. That's when I got, like, "Whoa."
Q. So it's your testimony that the thing that bothered you about her response was that she said that you were like a brother to her?
A. No. She started frantically crying, eyes got red, and shaking.
Q. Okay. So she was crying and she was shaking?
A. Like she was possessed. 12019

Q. Well, or she was terribly grateful to you
for something that you'd done?
A. I know the difference of that.
Q. You do?
A. Yeah, I meet a lot of people. I know the
difference of that.
Q. This is one of the first occasions you
actually met Janet in person, isn't it?
A. I met her in Las Vegas.
Q. And this was the second occasion in which
you'd met her?
A. Yes.
Q. And the family does have a practice of
hugging people the first time they meet them, do
they not?
A. No.
Q. No?
A. No.
Q. You have never seen that?
A. No.
Q. Did it bother you that the children called
you "brother"?
A. No.
Q. Did it bother you that Davellin called you
like a "big brother"?
A. No.
Q. Did you think that because of the things
that you'd done for them that that was how you were 12020

acting towards them, as a brother?
A. At that time, at first, yes.
Q. Now, you said that at some point in time the children would call -- or Gavin would call and ask about the car, correct?
A. Yes.
Q. And this was after you'd already been to Miami, correct?
A. Yes.
Q. Did you just tell Gavin that you changed your mind and you weren't going to give them the car?
A. I was -- I didn't tell -- I didn't speak to Gavin, because I was thinking it over, because -- you know, I was -- like I said, I was -- I think I crossed the line, and I was getting in too deep. And I was really, really nervous. And I didn't talk to him, because I was down in Orlando, and they was calling my son's mother every day. And she was trying to get in touch with me to see what was going on. Because I didn't tell her that I was doing that, because I didn't have a chance to talk to her because I had went out of town.
Q. You didn't tell her to just say, "Tell them I've just changed my mind. I'm not going to give them the truck"?
A. When I got back, I told them -- I told her. 12021

Q. You told her that?
A. When I returned back to California, yes.
Q. And when was that?
A. Weeks later. It had to be two weeks later, because I was working.
Q. And this was after many telephone calls asking for the status of the truck, correct?
A. Yes.
Q. You've talked about Las Vegas and the filming on the set. Who is Brett Ratner?
A. The director of Rush Hour.
Q. And there actually was the Rush Hour, and then there was a sequel to that, correct?
A. Yes.
Q. Another Rush Hour?
A. Yes.
Q. Mr. Ratner was involved in that also?
A. Yes.
Q. And to your knowledge, Mr. Ratner is married to Al Malnik's daughter, correct?
A. No, I don't know.
Q. You don't know?
A. I don't know.
Q. You've been to Mr. Malnik's house, have you not?
A. Yes. Yes.
Q. You didn't see any pictures of Brett Ratner's wife at Mr. Malnik's house? 12022

A. No.
Q. So you don’t know if they’re connected in that way?
A. No.
Q. Now, when you were in Miami -- let me see if I can get this straight. You arrived in Miami, and you were met at the airport by your brother, correct?
A. My brother met me there, yes.
Q. Yeah. Yes, sir.
A. Yes.
Q. And then you went over to the Turnberry Inn?
A. Yes.
Q. And did the Arvizos ride with you and your brother to the Turnberry?
A. I’m pretty sure they did.
Q. And when you arrived in Miami, it was close to -- it was after 1 a.m. in the morning, correct?
A. I don’t know. I think probably -- it was late, yeah. It had to be late, yeah.
Q. Okay. And when you got to Miami -- I’m sorry, when you got to the Turnberry Hotel - all right? - your room was in like another tower away from where Mr. Jackson’s room was; is that right?
A. I don’t know how the hotel is situated, but it was another room.
Q. It was a ways away, though?
A. I don’t -- I don’t know. 12023

Q. You don't remember?
A. I don't remember, no.
Q. That -- you said that you went to Mr. Jackson's room. Now, did you go to Mr. Jackson's room when you got there in the early morning hours of the -- when you got to Miami, or did you go to bed and then go over there the next day?
A. I think we all went to his room. I don't know if it was that late.
Q. You don't think it was past one o'clock in the morning?
A. I don't know if it was that late.
Q. So your recollection is that these events occurred on -- right after you arrived in Miami and arrived at the Turnberry, and then you went to Mr. Jackson's room that night --
A. Yes.
Q. -- or early morning, whatever it was. That's your recollection?
A. I think when we got there, the kids was so excited to see Michael, and we -- and they pulled me along with them all the time, so I think we went right up there. If I recall, we went right to see -- and we was trying to find out where Michael was.
Q. And this was -- and this was the -- well, let me go back and ask you another question. You were able to find out where Michael 12024

Jackson was staying, correct?
A. They found out. The kids found out.
Q. The kids found out?
A. Yeah.
Q. Do you know how they found out?
A. I don't know how they found out.
Q. Do you know whether they were called by Mr. Jackson?
A. No. I don't know.
Q. And it's on this occasion that you pulled Mr. Jackson aside, and you tell him -- you give him a warning about the Arvizo family, correct?
A. I was -- yes. I was -- I was scared. And then once -- I tried to talk to Michael for a second, because I was getting ready to leave back out of town, and the mother went frantically again, "brother," "father," and I couldn't even talk to him.
And that's when I said, "Michael," you know, "Something ain't right."
Q. You pulled him aside and gave him some advice?
MR. MESEREAU: Objection. He cut off the witness.
THE WITNESS: I said, "Something ain't right. Be careful."
Q. BY MR. SNEDDON: This was a conversation just between you and Mr. Jackson? 12025

A. Yes.
Q. And I think you said it appeared to you that he took your advice seriously?
A. He -- yes, yes.
Q. Okay. Did you know what the Arvizo family -- well, let me put it this way: Did you know that there was a press conference planned with the Arvizo family and Mr. Jackson in Miami?
A. No.
Q. Did you know that after Miami, a couple of days later, that Mr. Jackson chartered a plane and flew back to California to his ranch?
A. No.
Q. Did you know that he took the Arvizo family with him on that chartered flight?
A. No.
Q. Did you know that the children actually stayed at the ranch for the better part of a month after you gave Mr. Jackson that advice?
A. I was in Orlando.
Q. I'm just asking you if you were aware.
A. No.
Q. Did you ever talk to Mr. Jackson during that period of time?
A. No.
Q. Did you follow the media coverage of the Bashir documentary?
A. I've seen it from time to time on 12026

1 television, yes.
2 Q. You saw there was quite a furor that was
3 created as a result of what was put on T.V.,
4 correct?
5 A. Yes.
6 Q. Did you ever follow up with your friend,
7 Michael Jackson, and ask him, “Did you follow my
8 advice and stay away from the Arvizos?”
9 A. No, because I was still, like, really
10 suspicious and didn’t know, because of my
11 relationship with the kids, knowing him, I still --
12 you know, Gavin was calling me. I would have said
13 hello to Gavin, too.
14 So I didn’t -- I just said, “Just be
15 careful,” because I knew we was both high-profile,
16 to be careful. And I knew how nice Michael was, and
17 I knew that you had to be careful.
18 Q. Now, you indicated to the jury that Gavin
19 called you and said that the media was hounding
20 them, correct?
21 A. Yes.
22 Q. Was that at your house?
23 A. Yes.
24 Q. Do you remember how many telephone calls you
25 had with Gavin about that?
26 A. I don’t remember. No.
27 Q. Would it have been more than one?
28 A. I don’t remember. I really don’t. 12027

Q. And do you remember that telephone conversation -- well, you said as a result of that conversation, that you decided that you were going to charter a plane and help them out and take them to Florida, correct?
A. Yes.
Q. Okay. So after that telephone conversation with Gavin, you decided -- you made some contacts with somebody to charter a plane to fly them to Florida?
A. Yeah, because I was already going to Orlando, and I was debating if I was going to go. And then I decided yes, I was going to go if they needed to go, and they didn't have nowhere else to go because of the media, and they was trying to find Michael. So I said, "Okay. Let's go."
Q. So you had already chartered a plane?
A. No, I was -- I was thinking about it, because --
Q. Thinking about it?
A. -- because I have a home in Orlando. And they told me they needed a place to go, and they was trying to get away. They was trying to find Michael.
Q. I understand that.
A. And I said, "Okay. I'll charter a plane for you guys, if you all want to go down there and get away because the media is hounding you." 12028

MR. SNEDDON: Move to strike as nonresponsive, Your Honor.
THE COURT: Sustained.
Q. BY MR. SNEDDON: Mr. Tucker, isn't it a fact that you had already chartered a plane to fly to Orlando, Florida, and that you were scheduled to leave for Orlando, Florida --
A. No.
Q. Let me finish the question, in fairness to you.
(Continuing) at 4:45 on February the 4th of 2003; isn't that true?
A. No. That's -- I booked the flight. And when they said they wanted to go, that's why we left later on in the afternoon.
MR. SNEDDON: Move to strike as nonresponsive, Your Honor.
THE COURT: Overruled.
MR. SNEDDON: Your Honor, may I have the overhead, please?
Q. Mr. Tucker, do you recognize the document I've placed on the board?
A. No.
Q. Do you recognize that it -- it indicates that a trip was planned for February 4th, to leave from Van Nuys and to fly to Orlando, and that there was a cost of the charter flight indicated at the bottom? 12029

MR. MESEREAU: Objection; foundation.
MR. SNEDDON: This is in evidence. I'm sorry, I didn't give you a number. I apologize. This is Exhibit 250, Your Honor.
THE COURT: Okay. Let me look at the question.
MR. SNEDDON: I'm sorry?
THE COURT: All right. I'll overrule the objection.
You need to have the question read back.
(Record read.)
THE WITNESS: Yes.
Q. BY MR. SNEDDON: And do you recall -- Mr. Tucker, is the name of a company you have called Tuck-You-In?
A. Yes.
Q. Okay. And do you recall that you actually ended up getting billed for the fact that you were going to leave on February 4th of 2003? Do you recall that?
A. Excuse me?
Q. Yes. That you actually paid for a part of the plane on February 4th of 2003? Do you recall that?
A. I paid for all of it, and I recall making a trip on that same exact day and leaving later on that afternoon.
Q. So you think you left on February 4th? 12030

A. No. I left on the day I chartered -- I said that I was going, and I don't know what day that was.
Q. Well, this says you're leaving on February 4th. Does it not say, "Trip date, February 4th, 2003"?
A. If that's the day I left.
Q. So your testimony is whatever the day it says up here is the day you left?
A. No. I'm saying whatever day I said I was going, that's the same exact day I left. Whatever date that was.
Q. Well, this indicates you're going to leave on February 4th.
A. Well, whatever date that is. And I have documents to say that same day that I left, I left. And the same day I chartered the plane was on that day, and I can get it to you.
Q. All right. Let's look at another exhibit under 250.
I want the top part of it, please. If you could freeze in on that.
Do you see the document that we've placed up there that's People's Exhibit 250?
A. Yes.
Q. And it indicates that you are to leave at 1615 hours, isn't that correct, on February 4th of 2003? 12031

A. Yes. That's what it says, yes.
Q. Were you at the airport at that time on that date?
A. I don't know. I don't know.
Q. Do you recall that the plane sat on the ground for about nine hours on that date and you were at the airport?
A. No, because they don't do that. Planes won't do that.
Q. You don't do that.
This is another document that's in 250. Get the bottom part, please.
Do you see the notation there, it says, "No fly. Sat at the airport for nine hours"?
A. Uh-huh.
Q. Do you recall that happening; that you were at the airport and it didn't take off?
A. No.
Q. You have no recollection of that?
A. No.
Q. Do you have a recollection as to what time the plane did leave?
A. It was later in the evening, when I notified my people and told them I was going. And they -- it took a while to get the plane together, I guess. Because they just can't get a plane together. And that's when we left.
Q. It was through the same company, correct? 12032

A. Excuse me?
Q. It was through the same charter company?
A. I think so, yes.
Q. Now, do you remember talking to Evvy Tavasci? Do you know who that is?
A. Yes.
Q. Okay. That's Michael Jackson's secretary, correct?
A. Yes.
Q. And you have talked to Miss Tavasci on occasion?
A. Yes.
Q. And do you recall talking to her on the -- on the day that you went to Miami?
A. Yes. Yes.
Q. Okay. And when you talked to her, did she indicate to you that she'd already made arrangements for the family to fly to Florida?
A. No.
Q. She didn't tell you that?
A. No.
Q. Did you call her to tell her that you were going to take the family to Florida?
A. I called her to find out where Michael was, because I was also looking for him. And if he was there, I was going to stop by and say hello.
Q. So you didn't know where Michael was at that point? 12033

A. No.
Q. And so I guess at this point you hadn't had that conversation with Gavin?
A. No, I had -- I had the conversation with Gavin. That's why I was looking. Because he said that Michael was down in Miami. He was looking for him. So I called Gavin to confirm it before I chartered a plane to go down there and see him.
Q. Do you recall what time it was when you called Evvy Tavasci?
A. No.
Q. Was it in the morning or in the afternoon?
A. I don't remember.
Q. Was it on the same day that you talked to Gavin, right after you talked to Gavin?
A. The same day, yes.
Q. The same day you talked to Gavin?
A. Yes.
MR. SNEDDON: You had an exhibit? Thank you.
May I approach the witness, Your Honor? I'm sorry.
THE COURT: Yes.
Q. BY MR. SNEDDON: Mr. Tucker, I have an exhibit here that's been marked in evidence in this particular case as 451, and I think you can accept this representation, because I've just talked to counsel. 12034

1 These are your telephone records, your
2 receipts, okay?
3 A. Uh-huh.
4 Q. And under Tab --
5 MR. MESEREAU: Objection. Wait a minute. I
6 didn't stipulate to that.
7 MR. SNEDDON: Well, okay. I'll just have
8 him look at it. I was trying to save some time.
9 Q. Under Tab 9, does that appear to be, at the
10 top, your telephone number?
11 A. Yes.
12 Q. Okay. And it indicates this is the
13 information for the account under that telephone
14 number, correct?
15 A. Yes.
16 Q. True?
17 A. Yes.
18 Q. Now, what I want you to do is, I would like
19 you to look at the information on this -- this
20 telephone record very quickly, and particularly, to
21 make it easier for you, I want you to focus on the
22 dates of the 4th and 5th of February of 2003. Okay?
23 Go ahead and take whatever time you need,
24 but it should be quick.
25 A. I'm kind of confused. It's just on this one
26 page?
27 Q. No, sir. Well, I want you to look at all
28 the pages, so when I ask you the question, you're 12035

satisfied that what I'm asking you doesn't appear on -- I want you to look at all of the records from here through where it says "Tab 10." These records right here. Okay?
And particularly, I want you to focus on -- if I may turn to the second page, you can see it has dates, times, and places called, and the length of the call. See that?
A. Yeah.
Q. Okay. So if you'd look at that, those few pages real quickly, if you want, or take as much time as you want, and what I'm going to ask you questions about are the 4th and the 5th.
MR. MESEREAU: Your Honor, may I inquire as to whose phone records he's showing him?
MR. SNEDDON: I -- Mr. Tucker's records.
MR. MESEREAU: Mr. Tucker's records.
MR. SNEDDON: Yes, sir. That's what I showed you.
MR. MESEREAU: Okay. Not Mr. Jackson's records?
MR. SNEDDON: No, Mr. Tucker's records.
MR. MESEREAU: Okay.
Thank you, Your Honor.
MR. SNEDDON: I'm sorry, Judge.
Q. With regard to the tab that I asked you to look at, those are your phone records, correct?
A. I didn't really look at them. 12036

Q. Okay. It has your name and your number and your billing address, correct?
A. This is really confusing to me. I'm -- but, yeah, it does have my number, one of my numbers. But this is not my number, (310) 821 -- I don't know who number that is, whose number that is.
Q. Which number are you referring to?
A. This number right here.
Q. Go ahead. Put your finger on it again, so I can --
A. Those numbers right there.
Q. Right here?
A. Yeah.
Q. Those are calls. Is this your number at the top?
A. That's my number, yes.
Q. All right.
A. Okay.
Q. Now, it's true, is it not, that on February the 4th, 2003, those records reflect you made no telephone calls from that telephone number, correct?
A. I don't understand the question, then. On February 4th, I don't know how many calls I made to who or what.
Q. Well, look on the records.
A. I don't understand these records. And if I did -- if it's on there, it's on there. I guess you could say it, but I don't know how this record is. 12037

Q. You don't understand the records?
A. No.
Q. Do you see any telephone calls on February 4th in those records?
A. I see February 2nd, 5th, 5th, 11th. I don't see 4th on here right now. I don't see 4th.
Q. All right. Thank you. Now, with regard to the 5th - okay? - what's the time of the telephone call on the 5th?
A. I don't understand these records. I'm sorry. You can repeat it.
Q. Mr. Tucker, in the column on the far left-hand side, it says, "3:33 P," right?
A. That's what you say. I don't know.
Q. No, I want you to look and tell me if that's what it says.
A. I don't even know which is the top or bottom.
Q. The left-hand side on February the 5th.
A. Yes.
Q. Right next to that, it goes, "3:33 P,"
correct?
A. Yep.
Q. 3:30 p.m., correct?
A. Uh-huh.
Q. And underneath that, on the 5th, there's another call, correct?
A. Yes. 12038

Q. What time was that call made?
A. It says on these records 4:37.
Q. Okay. And those are the only two calls on the 5th --
A. I don't know.
Q. -- on your phone.
A. I made a lot of phone calls on the 5th, whatever day that was. I don't remember.
Q. But they're not reflected in your telephone logs?
A. I have a lot of phones. I don't know.
Q. Were you at home?
A. I don't -- I guess I was at home part of the day.
Q. Were you at home when Gavin called you that day?
A. Yes.
Q. On the 5th?
A. Yes.
Q. You're positive?
A. Yes.
Q. Do you recognize the number that you called at 3:30?
A. No.
Q. Do you recognize the number you called a little after 4:00?
A. No.
Q. Do you know what Evvy Tavasci's telephone 12039

number is?
A. No, not by heart.
Q. Do you remember what time it was when you placed the call to Xtra Jet that day?
A. No.
Q. Do you know what the number is at Xtra Jet?
A. No, because I don't call them directly.
Q. Who do you call?
A. My assistant calls them.
Q. So you didn't call Xtra Jet that day?
A. No.
MR. SNEDDON: May I have just a moment, Your Honor?
THE COURT: Yes.
Q. BY MR. SNEDDON: All right. So it's your testimony that after you talked to Gavin that day, the flights were made, arranged to fly to Miami. They all came to your house the same day, correct?
A. Yes.
Q. Okay. And that you were taken to the airport, and you flew to Miami?
A. Yes.
Q. That's your testimony?
A. Yes.
Q. Now, I actually just have a couple more questions.
When you were in Miami, do you recall taking the kids down and paying for a massage for them, for 12040

1 the boys?
2 A. No.
3 Q. Or a pedicure for Davellin?
4 A. No.
5 Q. You have no recollection of that at all?
6 A. Not that I know of. No.
7 Q. And this was a time where you were
8 suspicious of the Arvizo family at this point,
9 correct?
10 A. Yes.
11 Q. Were you aware of the fact that on the day
12 that you flew with the children to Miami that
13 Michael Jackson had called Gavin in the morning?
14 A. No.
15 Q. Gavin didn't tell you that?
16 A. No.
17 Q. Nobody told you that?
18 A. No.
19 Q. Did Michael Jackson tell you that he had
20 called Gavin?
21 A. No.
22 Q. Did you ask him if he had called Gavin?
23 A. I didn't talk to Michael.
24 Q. I meant when you got to Miami.
25 A. No.
26 Q. Do you know somebody by the name of Gary
27 Hearn?
28 A. No. 12041

Q. Do you know who Mr. Jackson's chauffeur is?
A. No.
Q. Limo driver?
A. No.
Q. So it's your testimony that you didn't call or talk to the Jackson limo service on that day?
A. No.
Q. Now, on the flight, you said everybody was pretty subdued and tired, correct?
Let me correct that, because that's not what you said. I want to be fair to you.
You said the kids were excited and Janet was excited about seeing Michael Jackson?
A. Everybody was excited about -- they was excited about getting out of Miami and going to see Michael. Getting out of Los Angeles, going to Miami, and to see Michael, yes.
Q. Okay. But you indicated, I think, that you -- you went to sleep because of the lateness of the hour?
A. No. I was up until it got late, and when everybody dozed off, I dozed off, too.
Q. Now, when you left California, it was California time, right? That's a bad question.
(Laughter.)
Q. It's just a joke. I laugh at yours.
There's a time difference between California and Miami, right? 12042

A. Yes. Three hours.
Q. Three hours. And it was your understanding that the controversy that had led the Arvizo family to go to Miami was the Bashir documentary tape?
A. It's because they couldn't get around. The media was on them. And they said they had nowhere to go and they wanted to go see Michael. That's my understanding.
Q. Because of the Bashir tape?
A. Because of I guess whatever happened in the media. I don't know.
Q. I thought you told us on direct examination that you were aware of the fact that the Bashir documentary had been shown.
A. Yes.
Q. And you were aware of the -- I think you even mentioned on cross that you were aware of the controversy that had created --
A. Yes.
Q. -- for Mr. Jackson.
A. Yes. But the reason why I gave them a ride was because the media, they had nowhere to go. They was getting hounded and they wanted to go see Michael.
Q. I think we've got that.
A. All right.
Q. Now, when you left Miami, you went to Atlanta with your brother, correct? 12043

A. No, I went to Orlando.
Q. Orlando?
A. My brother went to Atlanta.
Q. Did your brother take the charter?
A. No.
Q. So you -- how did you get to Orlando?
A. A charter.
Q. A charter?
A. Yes.
Q. Your brother went a separate way to Atlanta?
A. Yes.
Q. That's your recollection?
A. Yes.
Q. And did you stay on the East Coast for a couple of weeks?
A. Yes.
Q. And you came back to your home in California after that?
A. I -- yes. I think I did, yeah.
Q. Well, do you recall whether you did or not?
A. I think I came back. I think I came back shortly, after a couple of weeks, yeah.
Q. When you came back, were you still getting calls about the car? The truck, I'm sorry.
A. When I got back, my son's was mother was all tangled up with this family, going places. And I didn't know what was going on, because we was out of touch. And, yes, they was -- some kind of way they 12044

got to her and got her connected in all this mess.
Q. Yeah. All right. So what I want to know is, at that point in time, did you tell Gavin, “I’ve changed my mind. I’m not going to give you the truck”? That can be answered “yes” or “no.”
A. I didn’t talk to Gavin, no, not at that time.
Q. Okay. You didn’t talk to Gavin at that time?
A. No. But I told my son’s mother to tell them.
Q. You told Azja Pryor --
A. Yes.
Q. -- to tell them you’d changed your mind and you weren’t going to give them the truck?
A. And they kept calling. And she said, “They keep calling.” And everybody’s getting on the phone and talking to her.
MR. SNEDDON: Move to strike as nonresponsive, Your Honor.
THE COURT: After “Yes,” I’ll strike it.
MR. SNEDDON: All right, Mr. Tucker. I have no further questions. Thank you very much.

REDIRECT EXAMINATION
BY MR. MESEREAU:
Q. Mr. Tucker, in response to the prosecutor’s questions, you said that your fiancee, Azja, was 12045

tangled up with this family?
A. Yes.
Q. What did you mean by that?
A. She -- they -- they was --
MR. SNEDDON: Excuse me. I'm going to move to strike. No foundation. It calls for hearsay.
MR. MESEREAU: There was no objection to the answer, and I'm just asking him to explain it, Your Honor.
THE COURT: It calls for a narrative. I'll sustain the objection.
Q. BY MR. MESEREAU: During the time when you became suspicious of the motives and actions of the Arvizos, was your fiancee, Azja, involved with the Arvizos?
A. She -- she was talking, but she wasn't aware of what I was aware of at that time, because I was in Orlando. But she wasn't that involved. They called every now and then, but not like they started calling when they was trying to get that truck, get the truck.
Q. Okay. Now --
MR. SNEDDON: Move to strike that part that refers to hearsay testimony, Your Honor.
THE COURT: I'll strike after "She wasn't that involved."
Q. BY MR. MESEREAU: You said Azja was in a mess with this family, right? 12046

A. Yes.
Q. What did you mean by that?
A. She was --
MR. SNEDDON: Same objection. Lack of foundation, and it will call for hearsay.
THE COURT: Sustained.
Q. BY MR. MESEREAU: Were you concerned about your fiancee being involved with the Arvizos?
A. Yes.
Q. Why?
A. Because she was going to couns -- meetings and stuff over at the house and --
MR. SNEDDON: I'm going to object again. It calls for lack of foundation and hearsay.
THE COURT: Overruled. The answer stays in. Next question.
Q. BY MR. MESEREAU: Are there any other reasons why you were concerned about Azja's involvement with the Arvizos?
MR. SNEDDON: Same objection. Well, I take that back. It can be answered "yes" or "no." I'll take it back. I'll wait for the answer.
THE WITNESS: Yes. Because I always --
Q. BY MR. MESEREAU: Excuse me. Just answer "yes" or "no."
MR. SNEDDON: Now I object to anything 12047

beyond the answer “yes” or “no.”
THE WITNESS: What was the question?
Q. BY MR. MESEREAU: Were there any other reasons, other than the ones that you described, why you were concerned that your fiancee, Azja, was involved with the Arvizos?
A. Yes.
Q. What concerned you?
MR. SNEDDON: I object. Lack of foundation. Calls for hearsay.
THE COURT: Sustained.
Q. BY MR. MESEREAU: Did you ever warn Azja at some point, “Get away from that family”?
A. Yes.
Q. And approximately when did you start warning Azja to get away from the Arvizos?
A. It was before the Miami trip. I was just like -- because they was calling her all the time. And I was like, “Wait a minute,” because I knew how far I was going to go, but I told her to -- you know, to be careful, because, you know, they calling, and they wanted to talk to my son all the time and all this stuff.
And I said, you know, “Just hold off.”
Q. Now, to your knowledge, where was Azja when you were in Miami with the Arvizos?
A. In Los Angeles.
Q. And despite your growing suspicions, you 12048

1 continued to be nice to them, correct?
2 A. Yes.
3 Q. Why?
4 A. Because, you know, I still wanted to -- you
5 know, to -- I just didn't want to just -- totally
6 just cut them off, because I didn't know what they
7 would do. So I tried to ease my way away, because I
8 started to find out all these problems they had.
9 And they never told me about these things. So I was
10 like -- my friends was warning me, but -- and now I
11 was finding out from my son's mother and from
12 other --
13 MR. SNEDDON: Object as a narrative.
14 THE COURT: Sustained.
15 Q. BY MR. MESEREAU: You were concerned about
16 them, first of all, because of things you observed,
17 right?
18 A. Yes.
19 Q. You were also concerned because of what
20 other people told you, correct?
21 A. Yes.
22 Q. And you were concerned because of requests
23 and demands the Arvizos made on you, right?
24 A. Yes.
25 MR. SNEDDON: Your Honor, I object.
26 Compound and leading.
27 THE COURT: Overruled.
28 Q. BY MR. MESEREAU: Now, the prosecutor asked 12049

you if you knew about the Arvizos' financial
problems, right?
A. Yes.
Q. Did you know about their $152,000 J.C.
Penney settlement?
A. No. No.
Q. Did you know whether bank accounts had been
set up by the mother for her children out of that
settlement?
A. No.
Q. Did you know whether or not Jay Jackson was
supporting them on an 80,000-a-year salary?
A. No.
Q. Did you know whether or not the mother was
getting welfare at the time she was being supported
by Jay Jackson?
A. No.
Q. Did you know whether or not the Arvizos were
raising money from other celebrities?
A. No.
Q. Now, at some point you said you learned they
were calling every comedian in town, right?
A. Yes.
Q. When did you learn that?
A. Later on, in the media.
Q. Did you know whether or not they were asking
other comedians in town for financial assistance?
A. No. 12050

Q. Did you know whether or not George Lopez was arranging a fund-raiser for them?
A. No.
Q. Did you know whether or not they were getting free benefits from an acting school -- or dancing school? Excuse me.
A. No. No.
Q. Did you know whether or not they were telling people they were homeless?
A. No.
Q. Did you know whether or not Janet hired lawyers to defraud J.C. Penney?
A. No.
MR. SNEDDON: Your Honor, I'm going to object to that question. It's argumentative and it calls for a legal conclusion.
THE COURT: Overruled. The answer is, "No."
Next question.
Q. BY MR. MESEREAU: When did you begin to think that Gavin was cunning?
A. When he approached me and was asking for more money, I knew that -- you know, I know -- I meet a lot of kids, and I knew that he -- he -- and the little things that he would say.
And definitely Star. Star would say stuff all the time like, "You got too much stuff." And, "You don't need all this stuff."
And -- but I would always ignore it, because 12051

I'm thinking I'm helping a kid with cancer, and it's all about, you know, that.
But Star would always say cunning stuff, and would always -- I had to check -- almost check his pockets before he would leave my house, because I didn't really -- I never really trusted him. But I was always naive because I thought I was doing a good thing.
Q. Now, you said the mother was possessed, in your mind, right?
A. Yes. I thought --
Q. What did you mean by "possessed"?
A. Just -- she had some mental problems. And I remember the kids always -- you know, they was always ashamed to talk about her, and always --
MR. SNEDDON: Your Honor, I'm going to object to the question. Calls for a conclusion, speculation, the way it's phrased.
THE COURT: I'll leave in that part of the answer that she had some mental problems and strike the rest of the answer.
Q. BY MR. MESEREAU: Now, the prosecutor showed you some phone records. Do you normally analyze your phone records?
A. No.
Q. Who handled your phone bills?
A. My business people. 12052

Q. Was that true in 2003?
A. Excuse me? Yes.
Q. In the year 2003?
A. Yes, yes, yes.
Q. Would your phone bills go right to your
business people?
A. Yes.
Q. And would they handle them?
A. Yes.
Q. Have you analyzed a phone bill before?
A. No.
Q. How many phone numbers did you have in 2003?
A. Probably three.
Q. How many landlines do you think you had?
A. Four. Probably four.
Q. And how about cell phones?
A. Two.
Q. Okay. So you may have had five phones?
A. Yes.
Q. Did you typically carry a cell phone with
you all the time?
A. Sometimes, yes.
Q. Okay. Now, did you have a different
carrier, if you know, for long-distance service
rather than basic service?
A. I'm pretty sure I did.
Q. Do you know who they were?
A. No. 12053

Q. Okay. Now, during February of 2003, were you typically the only person at your home?
A. Yes.
Q. Okay. At some point, did you learn that Azja was no longer in communication with the Arvizo family?
A. No, I -- I don't know.
Q. Was it your understanding that Azja was communicating with them after you became suspicious?
A. Yes.
Q. Okay. And were you getting a lot of your information about the Arvizo family from her?
A. Yes.
Q. And in 2003, did you know whether or not the Arvizo family was living at Jay Jackson's home?
A. No.
Q. Did you know whether or not they were living at their grandparents'?
A. No.
Q. Did you know whether or not they were trying to get rid of their East L.A. apartment?
A. Um --
MR. SNEDDON: I'm going to object to that. Assumes facts not in evidence.
THE COURT: Overruled.
Q. BY MR. MESEREAU: Did you know anything about that?
A. Excuse me, what was that? 12054

Q. Whether or not the Arvizos were trying to get rid of their East Los Angeles apartment?
A. I didn't know anything about that.
Q. Okay. Now, was that flight to Miami the last time you ever flew with them?
A. Yes.
Q. Okay. And do you recall who was paying their hotel bill in Florida?
A. I don't remember.
Q. Okay. Did you pay that?
A. I don't know.
Q. You don't know?
A. I don't think so. I don't know.
Q. Did you have any meals with them in Florida, if you recall?
A. I don't think so.
Q. Did you take them around at all during that trip?
A. No.
Q. Now, is it unusual for a celebrity who schedules a press conference to suddenly cancel it?
A. No.
Q. Celebrities schedule and cancel press conferences all the time, don't they?
A. Yes.
MR. MESEREAU: No further questions.
MR. SNEDDON: No questions.
THE COURT: All right. Thank you. You may 12055

step down.
THE WITNESS: Thank you.
MR. MESEREAU: Your Honor, the defense rests.
THE COURT: Rebuttal?
MR. SNEDDON: Yes. We're going to need a moment, Your Honor. We might want to take a couple of minutes. We have to find Mr. Auchincloss and the witness.
THE COURT: You lost Mr. Auchincloss?
(Laughter.)
MR. SNEDDON: I didn't know that. I was so engrossed with Mr. Tucker, I didn't see him leave. I'll tell you what. Hang on. I know what we can do.
MR. SANGER: There are a couple of matters to take up, so I don't know how the Court wants to handle that.
THE COURT: I guess we need to know their first witness.
Who's your first witness?
MR. SNEDDON: I've changed them. We were going to put on the one that was the subject of some consideration, but I have two that I can put on that are relatively short, and I'll do that if the Court wants me to.
THE COURT: I'd appreciate that.
MR. SNEDDON: And I've had the bailiff 12056

summon them down.
THE COURT: Counsel, are there any exhibit issues left on your case? I don't know of any. I'm just wondering if --
MR. MESEREAU: I don't think so, Your Honor. I already spoke to my co-counsel about it. I don't think so.
THE COURT: Okay.
(Discussion off the record.)
THE COURT: Remain standing. Face the clerk. Raise your right hand.

TIMOTHY PATRICK ROONEY
Having been sworn, testified as follows:

THE WITNESS: I do.
THE CLERK: Please be seated. State and spell your name for the record.
THE WITNESS: Timothy Patrick Rooney. R-o-o-n-e-y.
THE CLERK: Thank you.

DIRECT EXAMINATION
BY MR. SNEDDON:
Q. Actually, Mr. Rooney, you've testified previously in this case, correct?
A. Yes, sir.
Q. All right. Now, just to refresh the jury's 12057

memory, you're an employee of Santa Barbara County?
A. As a D.A. investigator.
Q. All right. And so you work for the District Attorney's Office?
A. Correct.
Q. And on the 11th of November -- not the 11th. Let me rephrase that.
On November 18th, 2003, you were part of the law enforcement personnel that went to the ranch at -- Neverland Ranch, correct?
A. Yes, sir.
Q. And you had previously testified in connection with some of the ranch logs that you had seized during the course of the search warrant, correct?
A. Yes, I did.
Q. Now, you were in the security office, correct?
A. Yes.
Q. And were you assigned a particular responsibility on that search that day in the security office?
A. A couple different responsibilities, yes, sir.
Q. Did one of those involve the filing cabinet?
A. Yes.
Q. And were you the one that was solely responsible for the review of the materials in the 12058

filing cabinet?
A. Yes, I was.
Q. And did you go through each and every one of the drawers of that filing cabinet?
A. Yes.
Q. Did you do that carefully?
A. Very.
Q. And were you briefed ahead of time as to what you were to look for?
A. Yes.
Q. I think you previously indicated you were looking for records involving the Arvizo family for 2002 and 2003?
A. Correct.
Q. And certain other individuals who were on the list, correct?
A. Yes.
Q. Associated with Mr. Jackson?
A. Yes.
Q. Now, with regard to your going through the drawers in that file cabinet, did you, in going through that drawer, find any records at all that dealt with 2003 and the Arvizo family?
A. No.
Q. And you went through those records carefully; is that correct?
MR. SANGER: Objection; asked and answered.
THE COURT: Overruled. 12059

THE WITNESS: Very carefully.
MR. SNEDDON: No further questions.

CROSS-EXAMINATION
BY MR. SANGER:
Q. Investigator Rooney, how're you doing?
A. Good.
Q. Now, you were informed sometime before you took the stand today that there had been testimony that the 2003 records were in the very file cabinet that you had looked through, correct?
A. Vaguely, yes, sir.
Q. Did the District Attorney, Mr. Sneddon, tell you that there had been testimony in this trial that the 2003 records for the gate logs at Neverland were in the file cabinet that you were assigned to search through; is that right?
A. No, that's not accurate.
Q. Who informed you?
A. That's not what I was informed.
Q. What were you informed?
A. I was simply asked if I was the one who searched that file cabinet and were these records present.
Q. Were you told that the records were produced by the people at Neverland Ranch through their attorneys?
A. No.

Q. Were you told that a witness had testified that the records for 2003 were, in fact, in that file cabinet?
A. I don't believe I was told that, no, sir.
Q. Now, you just said you went through very carefully?
A. Correct.
Q. All right. So if you were supposed to locate these records, you said anything to do with Arvizos in 2002, 2003, if you were supposed to locate them and they had been there and you missed them, that would be an embarrassment, wouldn't it?
A. Not necessarily.
Q. Okay. It could happen?
A. Could it have happened?
Q. Well, you say it's --
A. Repeat your question.
Q. If you missed them, if they were there, it's not necessarily an embarrassment --
A. No, sir.
Q. -- I'm just trying to find out why not.
A. Why it's not an embarrassment? Well, that's your verbiage.
Q. And I don't mean to really embarrass you right now, but the point is, you understood you were being brought in here to testify that you really looked in that file cabinet thoroughly and you didn't find 2003 records; is that right? 12061

A. That is correct.
Q. So you didn't ask, "Why am I being brought in to testify to that?"
A. I did not ask, no.
Q. You were told?
A. I had heard. No, I wasn't even told.
Q. You had heard it?
A. Yes.
Q. Okay. All right. Now, let's go back to November 18, 2003. You were part of the search team, correct?
A. Yes.
Q. And that was comprised of 70-some people, I think; is that right?
MR. SNEDDON: Your Honor, I'm going to object.
THE WITNESS: I don't know the number.
MR. SNEDDON: This is irrelevant and beyond the scope of direct.
THE COURT: Sustained.
MR. SANGER: Let me do something else.
THE COURT: Okay.
MR. SANGER: All right.
Q. You had a meeting with sheriff's deputies and others before you went out to the ranch to search; is that correct?
A. A briefing, yes, sir.
Q. A briefing. And you were given a packet of 12062

information to review; is that right?
A. Right.
Q. And that packet of information explained the basic suspicions or allegations in the case; is that correct?
A. I don't believe it did.
Q. It gave a basic overview of what this investigation was about, did it not?
MR. SNEDDON: Same objection, Your Honor. Beyond the scope of direct.
THE COURT: Overruled.
THE WITNESS: I'm sorry?
THE COURT: Overruled.
You may answer.
THE WITNESS: No, I don't believe it did. I believe it was just a list of the items we were looking for. I don't recall that identifying details of the case.
Q. BY MR. SANGER: When you were at the briefing, where did the briefing occur?
A. Solvang substation.
Q. And how many officers were there during your part of the briefing?
A. Guessing, about 60.
Q. All right. And were you making an effort to keep this briefing confidential so that the public and others wouldn't know that you were having a briefing about a search warrant that was about to be 12063

executed?
A. You're asking me about a role that -- I was attending as one of the search members. My role was not to keep anything confidential, but to search.
Q. Well, let's ask about that. Was it your role to, say, call the press and say, "We're going to search" --
A. No. No.
Q. It was your understanding, in your years in law enforcement -- I forgot how many, but it's quite a number, if I recall.
A. 27.
Q. 27. In your 27 years in law enforcement, when you're going to execute a search warrant, part of what you were doing is trying to execute it by surprise, for the most part, right?
A. Certainly.
Q. You don't want anybody to know you're coming out, right?
A. Correct.
Q. And when you got to Neverland Ranch, did it appear to you that you had achieved that goal?
A. Not completely, no.
Q. Okay. Do you have any information whatsoever that there was anybody in that security office who had any information about the nature of your search or what you intended to do before the first officers got there? 12064

A. I'm sorry, repeat the question.
THE COURT: I can have it read back.
MR. SANGER: Please.
(Record read.)
THE WITNESS: I have no idea.
Q. BY MR. SANGER: And when you went -- when you arrived at the security office, were there other officers there already?
By "officers," I'm referring to anybody in the search party, the investigators, like yourself, the D.A. or sheriff's officers.
A. I believe we went there as a unit. I don't know if somebody was in there previously and had photographed. I know they were photographing the interior of the residence prior to us searching.
Q. And the protocol for that search, and basically any other search, is when you arrive, you get the personnel, whether it's individuals in a single-family residence or people at a workplace, you get those individuals and you move them away from the areas you want to search; is that correct?
A. Yes.
MR. SANGER: All right. Okay. I have no further questions.

REDIRECT EXAMINATION
BY MR. SNEDDON:
Q. Mr. Rooney, is there any doubt in your mind 12065

that those records were not in that file cabinet on the day you looked in there?
A. There's no doubt in my mind at all.
MR. SANGER: Argumentative.
THE COURT: Sustained.
Q. BY MR. SNEDDON: Mr. Rooney, with regard to the search of that file cabinet, can you assure this jury that everything that you saw, that there was nothing in there that dealt with the Arvizos after 2003?
A. Yes.
MR. SANGER: Objection. Argumentative; move to strike.
THE COURT: Overruled.
THE WITNESS: Yes, I'm certain of that.
MR. SNEDDON: No further questions.
MR. SANGER: No further questions, Your Honor.
THE COURT: All right. Thank you. You may step down.
MR. SANGER: Your Honor, I think we will get to this witness -- my understanding is that they were going to call a couple of police officers. Before we get to this particular witness, we may have to have our motion heard. There's actually motions from both sides.
THE COURT: Is that correct?
MR. SNEDDON: I was busy lining up the 12066

witness, Your Honor. I apologize, but --
THE COURT: He said this was one of the witnesses we needed to have a hearing on. I don't have that on the papers that were --
MR. SNEDDON: Neither do I.
MR. SANGER: Well, we didn't have -- they had not listed this witness. They had not listed -- I'm sitting down, I apologize, just so I'm close to the microphone.
They had not listed this witness for today as of the time we did that motion, so we couldn't list it. Although we, I think, had a footnote in there saying it would probably apply to other witnesses.
MR. SNEDDON: It's right on your list.
MR. SANGER: Yeah, last night.
MR. SNEDDON: Well --
THE COURT: (To the jury) all right. I'll give you an extra long lunch. We won't reconvene until the normal end of the lunch period, because I want to take one, too.

(The following proceedings were held in open court outside the presence and hearing of the jury:)

THE COURT: All right. The jury is out.
All right. We'll take up the issue that you 12067

wanted to exclude the testimony of Michaels and Francia. And apparently this applies to someone else, too.

MR. SANGER: Yes, Your Honor.

As I explained to the Court before we started today in chambers with Mr. Sneddon, we had received one witness list, which I'm not faulting the D.A., but we received one witness list --

THE COURT: You don't have to explain that.

MR. SANGER: We prepared this, and then we have a different list here. On page six, I did indicate in a footnote, "We respectfully request a proffer as to all of the prosecution's witnesses and a 402 hearing, if necessary."

Now, I can understand, for instance, the last witness would be appropriate rebuttal. The question that we have with regard to any of these other witnesses is whether or not they are proper rebuttal or if they have just been held back as something that should have been put on during the case-in-chief. We don't know -- we can't really tell from Shane Meridith's reports what aspect of that they wish to present.

We also -- when it comes to the testimony of Charli Michaels and Blanca Francia, in particular, those are 1108 witnesses. And we have a particular concern about 1108 witnesses being called in rebuttal, who -- we have a particular concern about 12068

1108 witnesses called in rebuttal who could have been called in the case-in-chief. And we cited the Supreme Court's statement on this from the Carter case, which is really -- reflects the Penal Code. You're not supposed to use --

THE COURT: Yeah, I've read that.

MR. SANGER: So the dramatic effect that can be achieved by holding things back to rebuttal is to be avoided by the Court. It's particularly prejudicial when it has to do with 1108, because 1108 is particularly prejudicial to start with. The Court made a delicate balancing decision. And they shouldn't be allowed, for instance, with regard to Charli Michaels, in particular, this is a witness who they knew about. They knew that the conduct that she allegedly said that she saw and she said on television in paid appearances, that that conduct was denied not only by Mr. Jackson, but it was denied by the person who was the alleged victim. They knew that for the last ten years. So there was no surprise. There's no purpose in bringing this person in for rebuttal other than to say that -- other than to make a dramatic point at the end of the case and have that bell ringing in the jurors' ears. So we -- and that's the brief that we filed. I think we tried to keep it brief, but we specifically highlighted that point; that 1108 has 12069

to be dealt with, I think, in an even more sensitive fashion, because otherwise it is dramatic, and it is improper rebuttal.
We can't tell what exactly Blanca Francia is going to be called for as far as rebuttal. But we can't imagine what it would be that would be relevant, and that's why we ask for a proffer.
Jesus Salas. There's a paper that was filed this morning and handed to us. Of course, just as we handed them ours this morning, because this just came up. And they -- the prosecution seeks to call that witness for -- let's see if I've got the right one. As I recall, they said to show that Mr. Jackson was intoxicated in the presence of young people.
Now, that was already covered in the case-in-chief. There was no particular defense evidence about that. And that's just the sort of thing that should not be permitted in rebuttal.
When we brought this up in chambers, this general subject matter this morning, Mr. Sneddon said, well, there's actually five areas that they want to get into with either this witness or these witnesses. I wasn't sure exactly what the delineation was, but we don't know what those areas are.
So we can identify some areas for some of these witnesses that we believe is clearly improper 12070

rebuttal, and we don't know what the other areas are. So we would ask for a proffer as to each of these witnesses so that we have a chance to have a fair hearing on the issue of whether it is proper rebuttal.
THE COURT: Who's speaking for the People?
MR. ZONEN: I am, Your Honor.
The witnesses we're talking about are Charli Michaels and Blanca Francia; is that correct? I don't want to start talking about somebody else.
THE COURT: Yes. I think he wanted a proffer on Shane Meridith, too. That's what --
MR. ZONEN: What are the others? I think Mr. Auchincloss will speak to Shane. Mr. Sneddon will speak to Shane Meridith.
THE COURT: You found him?
Go ahead.
MR. ZONEN: As to the other two, as to Charli Michaels and Blanca Francia, we're intending to call Charli Michaels to testify to three specific things, matters that were brought up with defense witnesses, and for which defense witnesses either specifically denied or gave testimony inconsistent with what we believe will be clarified by Charli Michaels.
Charli Michaels will testify that she did witness Michael Jackson dancing or rehearsing on one occasion with Wade Robson and did witness an event 12071

where she had -- where Michael Jackson had his hand around the crotch of young Wade Robson, who at the time was probably around 11 or 12 years old, in a move similar to a dance routine that he, in fact, has done and performed.

She will also testify that she had had conversations with Joy Robson, Wade Robson's mother, and that in the course of those conversations, Joy Robson had complained to her and was very upset, and expressed to her concern that Michael Jackson was interfering with her relationship with her son; that her son wasn't spending time with her; that her son had become distant from her because of the attention that he was expressing. That's directly contradictory to what Joy Robson testified to on the witness stand.

THE COURT: Well, is it?

MR. ZONEN: I have one more, but go ahead.

THE COURT: Go ahead.

MR. ZONEN: The third matter was when Wade Robson was specifically asked questions about he and Mr. Jackson throwing stones at the lion at the time. And what he acknowledged initially on cross-examination was, yes, that they both had, and that in fact he had been encouraged to do so by Mr. Jackson for purposes of tormenting the lion to get it to roar. By the time the break came about, throwing stones at a lion became throwing pebbles at 12072

a cage, but initially it was throwing stones at a lion.
That event was witnessed by Charli Michaels, who will testify that it is, in fact, throwing stones at a lion.
We have listened to days and days and days and days of testimony about bad conduct by Star and Gavin Arvizo. It has been our position all along that that kind of conduct by the boys at the ranch is not just tolerated by Mr. Jackson, but encouraged by Mr. Jackson. This is a direct example of how that's done. We believe it's very relevant on that issue.
As to Blanca, Blanca's testimony would be similar to that of Charli Michaels with regards to a conversation she had with Joy Robson. And once again, that conversation was also that she was in a state of real distress; that she was crying; that she was very upset; that she had not been able to see her child; that her child had been kept from her by Michael Jackson, a statement that she directly denies. We think it's relevant in that regard.
THE COURT: What -- let me ask you the -- what is -- how do you see that this is different than what she testified to on direct in the defense case?
MR. ZONEN: I don't believe that she was asked that question because it would have required a 12073

hearsay answer from Joy Robson. I don't believe I either asked it or it was offered. And I don't believe we would have been entitled to have done so. To ask her about her conversations with Joy Robson would have been hearsay. If somebody can show me a transcript of that, I'll certainly stand corrected. But my recollection is that I never asked her that question for that exact reason: It's hearsay.

THE COURT: I thought she testified -- well, you've seen the points and authorities by Mr. Sanger.

MR. ZONEN: I have them right here, Your Honor.

THE COURT: And he's saying she didn't deny that on --

Isn't that what you're saying, Mr. Sanger?

MR. SANGER: Yes, sir. She was asked and then eventually --

THE COURT: Initially she didn't remember, and then --

MR. ZONEN: I'd have to see the transcript, Your Honor. That's not my recollection. My recollection is we never asked her.

THE COURT: Well, my recollection is that she didn't remember, and then --

MR. ZONEN: We're talking about Blanca Francia?

THE COURT: Maybe I'm talking -- I'm talking 12074

about Miss Robson.
MR. ZONEN: I'm sorry, I didn't do that examination. I thought you were referring to Blanca.
THE COURT: Okay. I'm back to where I went -- interrupted you, and you wanted to finish.
MR. ZONEN: My recollection is that Joy -- Joy -- their contention is Joy Robson was asked directly those questions about whether or not she had told other people that Michael Jackson was in some way interfering with her relationship with her child. And on the witness stand she was, what, ambivalent about it? I'm not sure what the defense position is.
THE COURT: I think she said -- first she said she didn't remember telling somebody that. And then I have a vague recollection that she later said, "Well" -- someone showed her the transcript and she said, "Well, I must have said it," you know, "There it is."
But then didn't she try to say that it was really because it was Mother's Day or something? I'm having a hard time remembering.
MR. ZONEN: If that was the transcript, then it was likely a transcript of a deposition, which certainly would be different from a conversation that she would have had in the presence of --
THE COURT: Yeah, she was shown the 12075

deposition. Look at page five, where Mr. Sanger lays it out, what -- lines 12 through 20.
MR. ZONEN: That's with regards to -- hold on. I'd have to see it in the context of the entirety of the testimony. That would be again saying, "I don't recall the conversation." I believe that that would be grounds for being able to bring in the person who actually had the conversation to be able to impeach that witness with the content of the conversation. And it is, of course, separate and apart from the observations of Blanca Francia as well.
I'm sorry, I just got this brief this morning, and I've been trying to read it while listening to testimony as well, so I'm not as focused on it as perhaps I should be.
THE COURT: Take a minute to read it.
MR. ZONEN: Okay.
MR. SANGER: Your Honor, I have the actual transcript here. And it may be, with our dailies, that we have a slightly different pagination. I'm not sure. No, no, I think that is right. 9234. I don't know if you have the transcripts on the computer that you can go back to.
THE COURT: No. I have the transcripts in my office, but not on this desktop here.
MR. SANGER: Yeah, I have it here. And if I may, I mean, there was a specific reference to 12076

Charli Michaels. And it is what we said. I can show it to the Court and counsel.
THE COURT: Well, let me just ask you, since you have the transcript, I was trying to remember -- I remembered her conceding, as you indicated in your points and authorities, that she must have said that. I mean, she said it because it's there in the deposition transcript.
Did she go on to say -- or did she say -- did she give any explanation as to why she would have said that in the deposition? That's what I was trying to remember. I thought she'd given an explanation, perhaps, about Mother's Day or -- but I don't have the transcript.
MR. SANGER: I can answer that. Is this unplugged?
Let me just stand up here, and I'm happy to let --
(Discussion held off the record at counsel table.)
MR. SANGER: There's apparently a second screen that has work product before we show it to everybody. I don't think it was a big deal.
THE COURT: Your secret tactics.
MR. SANGER: Secret tactics. It says, "Bob Sanger, say this next."
THE COURT: (To Ms. Yu) Oh, you're the one that's responsible. 12077

MS. YU: For everything. Sorry, Your Honor.
THE COURT: Go ahead.
MR. SANGER: I could read it. Maybe that's the easiest way.
THE COURT: That would help me, and then everybody gets to hear it.
MR. SANGER: And Mr. Zonen is welcome to look over my shoulder, as long as I can get my bifocals in the right place here.
MR. ZONEN: No, that's all right.
MR. SANGER: All right.
THE COURT: You know, I'm just interested --
MR. SANGER: Yes.
THE COURT: -- to what explanation, if any, she gave regarding that.
MR. SANGER: And I just had it and now I've lost it, so.... It will just take me a second, I'm sorry.
Okay. Yes. This is Mr. Sneddon asking questions. Line 27, on 9234, according to the -- I believe this is the final daily.
And it says:
"Q. Now, do you recall an incident that occurred on Mother's Day during 1990 on a trip to the ranch?
"A. Yes.
"And you were upset, correct?
"A. Yes. 12078

“And you were crying at one point?
“Yes.
“And the reason for that was that you had not seen your son all day, correct?
“Yes.
“And it was Mother’s Day?
“That’s right.
“And you found out that the reason you hadn’t seen your son that day was because he had been sleeping all day, correct?
“A. I think so, yeah.
“And you spoke to some people at the ranch about your feelings, did you not? One of the employees?
“A. I think someone asked me if I was okay.
“Q. And you told them that you felt that your son would rather be with Michael Jackson than with you, correct?
“A. I don’t remember saying that.
“Q. Do you know somebody by the name of Charli Michaels?
“A. Yes.
“And who is Charli Michaels?
“I think she works security at the ranch.
“And did you tell Charli Michaels that you felt that the defendant, Michael Jackson, was separating you from your son? 12079

1 “A. I don’t recall saying it.
2 “Q. Do you recall testifying to that in
3 your deposition with Mr. Feldman?
4 “A. No.
5 “Would it refresh your recollection if I
6 showed you a copy of the deposition?
7 “A. Yes.
8 “Mr. Sneddon: May I approach, Your Honor?
9 “The Court: Yes.
10 “The Witness: Okay.
11 “Q. By Mr. Sneddon: Does that refresh your
12 recollection?
13 “A. I don’t remember saying it, but I
14 testified to it.
15 “Q. I’m sorry?
16 “I don’t remember saying it, but obviously I
17 testified back then about it. I don’t remember
18 saying it.”
19 THE COURT: Okay. Thanks.
20 MR. SANGER: It goes on. As far as I can
21 tell, it’s -- yeah, maybe I should -- just to be
22 clear, I don’t think it changes it, but -- all
23 right. Let’s see. Where did I leave off. There?
24 MR. ZONEN: Right here, “Question.”
25 MR. SANGER:
26 “Q. You said that Wade would rather be
27 with Michael than with yourself and you were
28 upset about it? 12080

1 “Well, I read it, but I honestly don’t
2 remember saying it.
3 “Q. At the time you were at the ranch on
4 the first occasion” --
5 Is that how far we have to go? Yeah, I
6 think that’s it.
7 THE COURT: Thank you. That helps.
8 And then -- okay. On those issues, then my
9 ruling will be that I will allow the testimony, as
10 proffered, of Charli Michaels and Blanca Francia.
11 MR. SANGER: Your Honor, I don’t know what
12 Blanca Francia -- we haven’t been told what Blanca
13 Francia is going to testify to. Oh, just on the Joy
14 Robson was upset?
15 THE COURT: Yes.
16 MR. SANGER: Okay. Sorry.
17 THE COURT: There’s nothing -- is there
18 anything else that you’re representing?
19 MR. ZONEN: No, Your Honor.
20 THE COURT: And on the -- and I think the
21 part on the rocks is admissible, too. I will allow
22 that.
23 MR. ZONEN: Thank you.
24 MR. SANGER: I didn’t have a chance to
25 address that, of course, because that wasn’t in
26 their original proffer, but --
27 THE COURT: But I don’t need you to.
28 MR. SANGER: I had that feeling. 12081

THE COURT: And I am going to admit the evidence on the “good parent” issue that you’ve proffered.
MR. ZONEN: Thank you.
THE COURT: All right. Let’s take our noon break.
MR. SANGER: We didn’t hear what -- did I miss something? We didn’t hear what Shane Meridith had to say.
THE COURT: Why don’t you talk to each other, and let me know if a hearing is necessary.
We’ll take our break.
(Recess taken.)

(The following proceedings were held in open court in the presence and hearing of the jury:)

THE COURT: Go ahead.
MR. SNEDDON: Thank you, Your Honor.

SHANE MERIDITH
Having been previously sworn, resumed the stand and testified further as follows:

DIRECT EXAMINATION
BY MR. SNEDDON:
Q. Mr. Meridith, you are the same Shane 12082

1 Meridith that testified previously in this case?
2 A. Yes.
3 THE COURT: All right.
4 (To the witness) Let me remind you that
5 you're still under oath.
6 THE WITNESS: Yes, sir.
7 THE COURT: Go ahead.
8 Q. BY MR. SNEDDON: Mr. Meridith, you've
9 already told us that you were employed at Neverland
10 Valley Ranch, correct?
11 A. That's correct.
12 Q. And your role was as a security guard,
13 correct?
14 A. Yes.
15 Q. And during the dates -- during the month of
16 February, you were employed there, correct?
17 A. Yes.
18 Q. And between the 17th and the 20th of
19 February, you were working that week, is that
20 correct, on those days?
21 A. Yeah. I would have been if I was there,
22 yeah.
23 Q. And the shift that you were working would be
24 what?
25 A. Predominantly it would be a 12-hour shift,
26 and it would be anywhere from 6 p.m. to 6 a.m., or
27 6 a.m. to 6 p.m.
28 Q. You were working in the daytime on many of 12083

those days, correct?
A. Yeah, correct.
Q. During the time between the 17th of February and the 20th of February when you were at work at the ranch, did you ever see any boys driving any cars on the property?
A. No, I did not.
Q. During the time that you were on the ranch during that period of time, did you ever read any notes in any of the logs that were kept that indicated any boys were driving cars on the property without adult supervision?
A. No, I did not.
Q. Based upon your training and experience in working at Neverland Valley Ranch, if somebody had seen an underage child driving one of the cars during that period of time, would that be the kind of thing that would be noted in the logs of the ranch?
A. I would imagine so.
MR. SNEDDON: No further questions.
THE COURT: Mr. Mesereau?
MR. MESEREAU: Thank you, Your Honor.

CROSS-EXAMINATION
BY MR. MESEREAU:
Q. Mr. Meridith, Neverland is approximately 2800 acres, correct? 12084

A. That's correct.
Q. And when you worked security, how many other security personnel were there?
A. That could be anywhere from two to four other individuals, besides myself.
Q. Did you all hang out together during your shift, or did you go separate directions?
A. Yes, sir, we would have our own specific jobs.
Q. And what specific jobs are you talking about?
A. Well, one officer would be at the gate, which would be the gate security, and that would be a -- depending on how many officers were available, we would split that shift up.
And the other officers, you would have either one or two officers that were doing the house checks, and then you would also have an officer doing a mobile check in a vehicle.
Q. Now, you're not sure which checks you did during the time period the prosecutor just identified?
A. Right. Yeah, I could have been doing anything during that time.
Q. What could you have been doing?
A. Doing a perimeter check, doing a house check, doing a mobile check, or working the front gate. 12085

Q. Now, please describe what you mean by “a perimeter check.”
A. You would drive -- what you would do is, we would leave our security shack area. We would drive through the front of the property, leaving actually through the front gate, going off property for about -- probably a mile or so in either direction of the ranch, just to check to make sure that the fence line was secure.
Q. If you were doing a perimeter check, someone could have driven a vehicle on the property and you wouldn’t see it, true?
MR. SNEDDON: Object. Calls for speculation.
THE COURT: Overruled.
You may answer.
THE WITNESS: Sure.
Q. BY MR. MESEREAU: If you were doing a perimeter check, how far away from the main house would you be?
A. Well, like I said, you’d actually -- you know, at some point during that mobile perimeter check, you would actually leave the property. So I’d say at any -- the furthest point you would be -- would probably be six, seven miles maybe.
Q. So you could be six or seven miles away from where the vehicles are located, right?
A. Correct. During that check.
Q. And there would possibly be hills even 12086

blocking your view of the main house, correct?
A. That's correct.
Q. And if someone were driving a vehicle around the house, you would have no way of even seeing it if you were looking that direction, right?
A. That's correct.
MR. SNEDDON: Object as argumentative.
THE COURT: Sustained.
Q. BY MR. MESEREAU: Now, besides a perimeter check, what else could you have been doing during your security work during that time period?
A. You'd also do a house check, which was where you'd be, you know, physically checking the house area, walking around the house, going through the arcade, areas like that.
Q. And what other types of checks would you have been doing?
A. Other than that, other than the mobile or the house check, you would be at the front gate, or any check that was deemed necessary by a supervisor. Somebody would have you check something.
Q. Now, the prosecutor asked you whether or not, if someone was caught driving a vehicle for a short distance, for example, it would automatically go into the log. Doesn't actually get logged in, does it?
A. Not -- I mean, that's -- no. It wouldn't be unusual for it not to be logged. 12087

Q. In fact, every time a guest is found violating any type of rule at Neverland and stopped and told not to do it, it isn't automatically logged in, is it?
A. That's correct. It's left up to the supervisor whether it gets --
Q. Would it be accurate to say that percentagewise, when guests or their children are caught violating some rule at Neverland, most of those never get logged in anyplace, correct?
MR. SNEDDON: I'm going to object to the question. It calls for speculation.
MR. MESEREAU: It's cross-examination.
MR. SNEDDON: And doesn't deal with the subject matter.
THE COURT: Just a moment.
Overruled. It calls for custom and habit.
Go ahead.
Q. BY MR. MESEREAU: I now don't remember if you actually --
THE COURT: I'll have it read back.
MR. MESEREAU: I'm sorry.
(Record read.)
THE WITNESS: I couldn't -- I couldn't speculate on whether -- on a percentagewise. I mean, personally, if something were to come to my attention, it would be logged in. But that's just my personal -- you know, I wouldn't know -- as far 12088

as somebody else dealing with something that happens like that, I wouldn't have any knowledge of that.
Q. BY MR. MESEREAU: Wouldn't you agree that other security personnel often did not log things in that they thought were violative of a rule?
A. I mean, that's a fair assumption. That's a fair assumption. I wouldn't -- again, if it's something that I would -- you know, that I thought was pertinent, I would log it in. Or I would have whoever I was supervising log it in. But, you know, it's possible, sure.
Q. Now, were you given a course on when to log something in?
A. No, sir.
Q. Was anybody given a course about when they should put something into the logs if they see a rule being violated?
A. Not that I'm aware of.
Q. Is the decision to log something in pretty much up to the individual who sees the violation?
A. That's correct. Or the supervisor. Like I said, more times than not it would be the supervisor's discretion whether it should be logged in.
Q. If you're going to log something in, what do you have to do?
A. As far as?
Q. Where do you go to log it in? 12089

A. The front gate. You would call the front gate and they would log it in the logbook there, and then you'd also do a log at our shack area.
Q. All right. Now, if you're doing a perimeter search, and you find someone -- say you found a visitor wandering around the property where you didn't want them to be - okay? - and you said, "Why don't you go back to the main house. You shouldn't be here. This is 2800 acres of property, and you don't want to get lost," or whatever, you would have to drive a distance, possibly, to log that in, correct?
A. Yeah, you'd have to drive back to the main house area to log that in, or just call it in to the front gate.
Q. And while you were working at Neverland, do you recall any situations where somebody brought to your attention that some child had violated a rule and you never, ever saw that logged in?
A. Yeah, that's fair to say.
MR. MESEREAU: No further questions.

REDIRECT EXAMINATION
BY MR. SNEDDON:
Q. Mr. Meridith, I'm not talking about violating any rule at the ranch. I'm talking about an underage child driving a vehicle on the ranch, okay? 12090

A. Yes, sir.
Q. And in your experience, would that be something that would be logged in or officials to be notified?
A. Absolutely.
Q. The ranch has -- is very safety conscious, is it not?
A. Yes, it is.
Q. And they try to minimize the amount of liability or risk that can occur from the many guests that occur at the ranch; isn't that correct?
A. Yes.
Q. And the fact that an underage child would be allowed into a vehicle and to drive it without supervision would be something that would be a very serious violation of the ranch protocol, would it not?
A. I would think so, yes.
MR. SNEDDON: Thank you. No further questions.
MR. MESEREAU: No further questions.
THE COURT: All right. You may step down. Thank you.
MR. AUCHINCLOSS: Call Jesus Salas to the stand.
THE COURT: You're recalling him. He's already testified.
MR. AUCHINCLOSS: Yes, he has, Your Honor. 12091

THE COURT: You may be seated. You're still under oath.

JESUS SALAS
Having been previously sworn, resumed the stand and testified further as follows:

DIRECT EXAMINATION
BY MR. AUCHINCLOSS:
Q. Good afternoon, Mr. Salas.
A. Good afternoon.
Q. You have previously testified in this case that you were the house manager during the period of 2003 at Neverland Ranch, correct?
A. That is correct.
Q. And during the period of February-March 2003, how often were you at Neverland Ranch?
A. I would say I was there like for a couple of weeks.
Q. Okay. Did you -- were you working in the month of February?
A. Yes, I was.
Q. How many days a week were you working in February?
A. Well, I was working pretty much every day.
Q. Every day?
A. Uh-huh.
Q. Even weekends? 12092

A. Even weekends.
Q. And what about in the beginning of March?
Were you working in March?
A. Yes, I was.
Q. How many days a week were you working in
March?
A. It was about the same.
Q. Okay. So you were working without days off
during that period of time?
A. Well, I had some days off, but, you know,
pretty much I was busy most of the time, yes.
Q. Would you ever spend the night at Neverland?
A. Yes, I did.
Q. How often during that period of February-
March 2003?
A. I would say I spent more time during the
month of March.
Q. Okay. As far as spending the night there?
A. Yes.
Q. In the first couple of weeks of March, have
you had a chance to review the logs concerning your
attendance at Neverland Ranch?
A. Yes, I have.
Q. And how often were you spending the night
during the first couple of weeks in March?
A. It was about a week and a half, couple weeks
that I was spending -- staying there over the night.
Q. During the first couple of weeks? 12093

A. That's correct, yes.
Q. All right. During your period of -- during the period of time that you worked at Neverland Ranch, and I believe you said you've worked there for quite a few years; is that correct?
A. That is correct, yes.
Q. Going back to what year?
A. I'm sorry?
Q. Going back to what year? When did you start working at Neverland Ranch?
A. I started working there in '83.
Q. Okay. So before Mr. Jackson purchased the ranch you were working there?
A. That is correct, yes.
Q. Did you ever witness children, underage children, driving motor vehicles at Neverland Ranch?
A. No. I never --
Q. Did you ever hear that underage children were driving motor vehicles at Neverland Ranch?
A. No. Never heard anything about -- nobody ever reported anything to me.
Q. Did you ever report to anybody that underage children were driving vehicles at Neverland Ranch?
A. No.
Q. You never told Joe Marcus anything like that?
A. I never told Joe Marcus.
Q. While you were house manager -- let me just 12094

refresh my memory. When did you start your duties as house manager for Mr. Jackson?
A. When?
Q. When. When did you become house manager?
A. Oh, that was 2002, I believe.
Q. All right. During the period of time that you were house manager at Neverland, did you have an office in the main residence?
A. Yes, I did.
Q. Did you have a desk in that office?
A. Yes.
Q. Did you ever keep money, cash money, in that desk?
A. No. Never kept any money there.
Q. Did you ever have -- so was there ever a time when you were missing money, where money was taken from your desk or from your office area at Neverland Ranch?
A. Never lost any money, no.
Q. During the time that the Arvizos were guests at Neverland Ranch, did you ever keep anything that -- maybe a paperweight of some sort, something that looked like a crystal made of plastic or glass? Did you ever have anything like that in your office or your desk?
A. Not that I can remember, no.
Q. Did you ever have anything like that that you found to be missing -- 12095

A. No.
Q. -- in your office or desk during the period of time that the Arvizos stayed there?
A. No, not at all.
Q. During the time that you were house manager and the Arvizos were staying at Neverland Ranch, did you ever receive a report of any kind from a chef working in the kitchen that money had been removed from a drawer or from the kitchen area that belonged to one of the chefs?
A. No. Never was reported to me.
Q. Did Angel Vivanco specifically ever tell you that money was taken from the kitchen area by one of the guests?
A. No. Never told me anything.
Q. During the time that you were house manager at Neverland and the Arvizos were staying there or at any time, did Angel Vivanco ever tell you of an incident where Star Arvizo was playing around with a knife involving Mr. Vivanco?
A. No. Never was reported to me.
Q. You have previously testified that one night you helped the Arvizos to leave Neverland Ranch, that you drove them to their home. Do you remember testifying about that?
A. That is correct, yes.
Q. The night that you drove the Arvizo family from Neverland Ranch, did you ever notify Joe Marcus 12096

that you were leaving Neverland with the Arvizo family?
A. No, I didn't never talk to Joe Marcus that night.
Q. Did you ever notify anybody to tell Joe Marcus that you were leaving Neverland with the Arvizo family?
A. No, I didn't.
Q. Never had a conversation with him that evening?
A. No.
Q. During the period of February and March of 2003, you remember that the Arvizo family spent quite a bit of time at Neverland, true?
A. That is correct, yes.
Q. Can you characterize in a percentage basis the number of nights during that period that the Arvizo children spent the night in Mr. Jackson's bedroom?
MR. MESEREAU: Objection; foundation.
THE COURT: Sustained.
Q. BY MR. AUCHINCLOSS: Were you aware whether or not the Arvizo children ever spent the night in Mr. Jackson's bedroom?
MR. MESEREAU: Objection; foundation.
THE COURT: Sustained.
Q. BY MR. AUCHINCLOSS: Did you ever personally witness the fact that the Arvizo family would spend 12097

the night in Michael Jackson's bedroom?
MR. MESEREAU: Same objection.
THE COURT: Overruled.
Q. BY MR. AUCHINCLOSS: You may answer.
A. Yes.
Q. As house manager, would you often -- how late would you stay before you went home at night?
A. Varies. Sometimes it was one o'clock, two o'clock, three o'clock in the morning.
Q. And when you would leave the property, would you generally be aware of the location of individual guests who were in the main residence?
A. I would say yes.
Q. Okay. Was that part of your job, to be somewhat aware of what the guests were doing inside the main house? Not what they were doing, but I should say their various locations?
A. Well, it was necessary for me to know where they were so I can notify the security for safety reasons.
Q. Okay.
A. Yes.
Q. And based upon your personal experience -- let me back up.
So during that period of time when -- let's say in the evening hours and in the early morning hours when you were staying late at Neverland Ranch, would you frequently -- would you generally stay 12098

around the main residence?
A. Yes.
Q. Okay. Would you be inside the main residence?
A. I was inside there.
Q. And that's where your office was, correct?
A. That is correct, yes.
Q. So were you personally aware -- during this period of time, February-March, when the Arvizos were visiting Neverland Ranch, were you generally aware of their location, the location that the Arvizo boys slept in?
MR. MESEREAU: Objection; foundation.
THE COURT: Overruled.
You may answer.
THE WITNESS: Yes, I was aware.
Q. BY MR. AUCHINCLOSS: And can you characterize, based upon your own personal observations, the -- on a percentage basis the number of nights you would estimate that the Arvizo boys spent in Michael Jackson's bedroom during that period of time that they were visiting in March and February of 2003?
MR. MESEREAU: Objection; foundation.
THE COURT: Overruled.
You may answer.
THE WITNESS: I would say they spent 90 percent of the time. 12099

Q. BY MR. AUCHINCLOSS: Mr. Salas, during that same period of time, focusing again in 2003 -- I believe you said that you left your employment at Neverland sometime during the summer of that year; is that correct?
A. That is correct, yes.
Q. During that period of time of 2003, before you left your employment, did you ever see Michael Jackson when he was in an intoxicated state?
MR. MESEREAU: Objection. Beyond the scope; improper rebuttal.
THE COURT: Overruled.
You may answer.
THE WITNESS: Yes, I did.
Q. BY MR. AUCHINCLOSS: How often would you see Mr. Jackson in a condition that you would characterize as intoxicated during that period of time?
MR. MESEREAU: Objection. Foundation; relevance.
THE COURT: Overruled.
You may answer.
THE WITNESS: It was quite a few times.
Q. BY MR. AUCHINCLOSS: Did you ever see him intoxicated in the presence of his own children?
A. Yes, I did. Yes.
MR. MESEREAU: Objection; relevance.
THE COURT: Overruled. 12100

THE WITNESS: Yes.
Q. BY MR. AUCHINCLOSS: I didn't hear.
A. I said, yes, I did.
Q. How often did you see him intoxicated in the presence of his own children?
MR. MESEREAU: Objection; relevance.
THE COURT: Overruled.
You may answer.
THE WITNESS: My belief, it was, say, about three times.
Q. BY MR. AUCHINCLOSS: Did you ever see him intoxicated, in such an intoxicated condition that you had a concern as to whether or not he could properly and responsibly care for his children?
MR. MESEREAU: Objection. Relevance; beyond the scope; leading.
THE COURT: Overruled.
You may answer.
THE WITNESS: Yes, I -- I did.
Q. BY MR. AUCHINCLOSS: And what was your opinion about that?
MR. MESEREAU: Objection; irrelevant opinion.
THE COURT: Overruled.
Q. BY MR. AUCHINCLOSS: You may answer.
A. To me, it wasn't -- it wasn't -- it wasn't safe for the skids to be around him.
MR. AUCHINCLOSS: All right. Thank you, Mr. 12101

1 Salas.
2
3 CROSS-EXAMINATION
4 BY MR. MESEREAU:
5 Q. Mr. Salas, you say you've seen Mr. Jackson
6 intoxicated maybe three times during that period?
7 A. That is correct, in the way that I thought
8 it wasn't safe for him and his family.
9 Q. Was a nanny around?
10 A. Yes, it was.
11 Q. In fact, there was a nanny around taking
12 care of his children, correct?
13 A. That is correct, except when he used to take
14 them to his room, yes.
15 Q. Okay. And have you ever been intoxicated in
16 your house?
17 A. Oh, yes.
18 Q. Were your children there?
19 A. Yes.
20 MR. AUCHINCLOSS: Objection; irrelevant.
21 THE COURT: The answer is in. Next question.
22 Q. BY MR. MESEREAU: Now, you say you saw the
23 Arvizo children in Michael Jackson's room, right?
24 A. That is correct.
25 Q. Were you in the room with them?
26 A. I was not in the room with them.
27 Q. Pretty big room area, isn't it?
28 A. Yes, it is. 12102

Q. It's two levels?
A. That is correct, yes.
Q. And people sometimes sleep on the lower level, right?
A. True.
Q. Sometimes people sleep on the higher level, right?
A. That is correct, yes.
Q. In fact, Mr. Jackson has had a lot of people in and out, correct?
A. Yes.
Q. You don't know where anyone was sleeping when the Arvizo children were in that area, right?
A. Actually, I knew where they were staying.
Q. Well, they were staying in that large area, correct?
A. Right.
Q. You testified earlier at one point you saw them on the lower level, right?
A. That's correct, yes.
Q. The lower level below Michael Jackson's bed, true?
A. True.
Q. His bed's upstairs, and you saw them sleeping downstairs, right, one time?
A. That is right, yes.
Q. Now, was it part of your job to normally go into his room? 12103

A. Only when he asked me or he needed something.
Q. And if he asked you to bring him something, you would open the door and go in, right?
A. Yes.
Q. Okay. And there are other people he would ask to come in his room and bring him things, right?
A. That is true, yes.
Q. Now, the prosecutor asked you about whether or not Angel Vivanco ever reported a knife incident to you, correct?
A. Correct.
Q. Were you aware that he never said he reported it to you; he said he reported it to Rudy Lozano?
A. I wasn't aware of that. Never was reported to me.
Q. Who is Rudy Lozano?
A. He is the chef.
Q. Okay. He was Mr. Vivanco's direct supervisor, true?
A. Yes. In the kitchen area, yes. But I was responsible for all of them.
Q. Okay. Now, did you know that Star Arvizo pulled a knife on Kiki Fournier one time?
MR. AUCHINCLOSS: Objection. Irrelevant; no foundation.
THE COURT: Overruled. 12104

You may answer.
Q. BY MR. MESEREAU: Did you know that?
A. I was not aware of that.
Q. So she didn't report that to you?
A. No.
Q. Not everybody always reported to you problems that the Arvizo children caused at Neverland, right?
MR. AUCHINCLOSS: Objection; argumentative.
THE COURT: Overruled.
You may answer.
THE WITNESS: Well, I'm just finding that out.
Q. BY MR. MESEREAU: Yeah. Did anyone ever report to you that Star was found with an adult magazine that he said he brought from his own home?
MR. AUCHINCLOSS: Objection; argumentative.
THE COURT: Overruled.
Q. BY MR. MESEREAU: Was that ever reported to you?
A. Never was reported to me, no.
Q. Did anyone ever report to you that Star and Gavin Arvizo were caught masturbating in the guest unit?
MR. AUCHINCLOSS: Objection; argumentative.
THE COURT: Overruled.
Q. BY MR. MESEREAU: Was that reported to you?
A. No, it wasn't. 12105

Q. Was it ever reported to you that Star Arvizo went into the control room of the amusement park and wrote the words “Suck Dick” on the wall? Anyone report that to you?
A. No. Never was reported to me.
Q. Was it reported to you that one of the security guards caught Star and Gavin Arvizo in the wine cellar alone with a half-filled bottle of wine?
A. No, that was never reported to me either.
Q. Was it reported to you that Gavin Arvizo told Angel Vivanco, “You put alcohol in my milkshake or I’ll get you fired”?
A. No, it wasn’t.
MR. AUCHINCLOSS: Objection; misstates the evidence.
THE COURT: Sustained.
MR. AUCHINCLOSS: And argumentative.
THE COURT: Misstates the evidence, sustained.
MR. MESEREAU: Excuse me. I’ll rephrase it. My mistake.
Q. Was it ever reported to you Star Arvizo told Angel Vivanco, “You put some alcoholic beverages in my milkshake or I’ll get you fired”?
A. No, it was never reported to me.
Q. Was it ever reported to you that Star and Gavin used to spit on employees when they rode the amusement park rides?
MR. AUCHINCLOSS: Objection; argumentative. 12106

THE COURT: Overruled.
THE WITNESS: No. Never was reported to me either.
Q. BY MR. MESEREAU: Was it ever reported to you that Star and Gavin Arvizo would take their shoes and throw them at people from the amusement park rides?
A. Never heard that either.
Q. Was it ever reported to you that Star and -- Star and Gavin Arvizo made an absolute mess out of their bedrooms in the guest quarters?
A. Not that I can remember, no.
Q. Was it ever reported to you that Star and Gavin Arvizo used to search the television for adult films --
MR. AUCHINCLOSS: Objection.
Q. BY MR. MESEREAU: -- at their guest unit?
MR. AUCHINCLOSS: Assumes facts not in evidence.
THE COURT: Sustained.
Q. BY MR. MESEREAU: Not everybody reports every violation of a guest to you, do they?
A. Well, I guess not.
Q. Now, you said you learned a lot of things weren't reported to you, right?
A. Yes.
Q. Okay. And where have you learned that from?
A. Well, being part of responsibility. 12107

Q. Now, there are drawers in the kitchen, correct?
A. There are what? I'm sorry.
Q. Drawers in the kitchen, right?
A. Yes.
Q. And certainly someone in the kitchen could put money, if they wanted, in one of the drawers temporarily, couldn't they?
A. I believe so, yes.
Q. And not everybody would report that to you, would they?
A. I guess not necessarily, no.
Q. And if one of the Arvizo children stold money from a drawer in the kitchen, you wouldn't necessarily find out about it, would you?
A. Not if they don't tell me.
Q. And if Angel Vivanco thought his job was in jeopardy if he reported it, you might not hear, right?
MR. AUCHINCLOSS: Objection; argumentative.
THE COURT: Sustained.
MR. AUCHINCLOSS: Assumes facts not in evidence.
Q. BY MR. MESEREAU: Now, have you looked at any records to determine whether or not you called Joe Marcus the night you drove Janet Arvizo from the ranch?
A. No, I never -- no. 12108

Q. Would it refresh your recollection if I showed you a phone record showing a phone call on the night of February 12th, time, 12:55 a.m., to Joe Marcus from a ranch number?
A. No, I can tell you, because Joe wasn't even at the ranch that day.
Q. Do you know why anyone would be calling his number?
A. I have no idea, no.
Q. Where was he at that point, do you know?
A. Not sure, but I believe he was at home.
Q. Okay. Do you know who would have called his number at 12:55 a.m. on Wednesday, February 12th --
A. No, I don't.
Q. -- 2003? If I showed you the record, would it refresh your recollection at all?
A. Probably not.
Q. Okay. Okay. Now, you said something about being at the ranch for a couple of weeks during that time period; is that right?
A. That's correct, yes.
Q. And what did you mean by "a couple of weeks"?
A. I mean to spend the night, most of the nights there.
Q. And are you talking about working all day and all night, or just all night?
A. No, talking about working all day and all 12109

night.
Q. Okay. Okay. And that's in the main residence?
A. Yes.
Q. Well, if you're working all day or all night, or both, in the main residence, are you necessarily going to see if somebody drives a vehicle?
MR. AUCHINCLOSS: Objection; argumentative.
THE COURT: Sustained.
Q. BY MR. MESEREAU: You're not always looking at the vehicles, are you, when you do your work?
A. Absolutely not, no. That was not my job to keep an eye on them.
Q. And that's a very big house, right?
A. It's true. Very big -- big house.
Q. And what kind of work were you doing in the house at that point in time?
A. Well, it was different. Many things. Just making sure that the house was clean; that we had what the guests needed. And it was not just that. It was just also driving the limousine different areas. It could be picking up people, dropping off people. So I was not always there at the ranch.
Q. And if you're not always there at the ranch, you couldn't possibly always know if someone's driving a vehicle on the ranch, correct?
A. That is correct. 12110

MR. AUCHINCLOSS: Objection; argumentative.
THE COURT: Sustained.
Q. BY MR. MESEREAU: Were you always on the ranch during those weeks that the prosecutor asked you questions about?
A. Well, once again, I was not always there. Like I said, I was always driving somebody somewhere else.
Q. Okay. Where would you drive people to?
A. I drove people to L.A., pick up people from L.A., Burbank. I mean -- yes, Burbank. Santa Barbara, you know.
Q. And how often would you drive people off the ranch to L.A., or Burbank, or Santa Barbara?
A. Well, it depends. I mean, it was -- it was to the point that I was driving people, I mean, almost every other day or every day during the Christmas season.
Q. And if you're driving people off the ranch to L.A. and Burbank and Santa Barbara, and you're gone every day or every other day, would it be reasonable to say you're not going to be looking at who's driving a vehicle on the ranch?
MR. AUCHINCLOSS: Objection; argumentative.
THE COURT: Overruled.
You may answer.
THE WITNESS: That is correct.
Q. BY MR. MESEREAU: And are you saying that 12111

during that period of time, you were probably more off the ranch than on it while you were working?
A. Not necessarily, because if it was -- it depends on the area that I was picking up people. It could have been two, three hours, four hours, five hours. But I was -- you know, I spent a lot of time at the ranch also.
Q. When you drove to Los Angeles, typically how long would it take you from the moment you left the ranch till the moment you returned?
A. Talking five hours, six hours.
Q. Okay. Now, were you the primary person who would drive people off the ranch?
A. No. It was another driver before I started to do that, yes.
Q. Who would decide whether you were going to drive someone off the ranch?
MR. AUCHINCLOSS: I'm going to object as beyond the scope.
THE COURT: Sustained.
Q. BY MR. MESEREAU: The prosecutor asked you questions about your office at Neverland, okay?
A. Right.
Q. And where is that office located?
A. It is located on the back of the house. When you first go in the main entry in the back, it is the first room on your left side.
Q. And is that very close to the kitchen? 12112

A. It's just a wall dividing that.
Q. Is there a door to that office?
A. No, it has no door.
Q. In fact, people can go in and out of that office very freely, correct?
A. That is correct, yes.
Q. In fact, you pass that office when you're coming in from the back, right?
A. Correct, yes.
Q. You pass that office if you're leaving the house from the back, right?
A. That is correct, yes.
Q. And what do you find in that office?
A. There's videos. There's -- I mean, there's all kinds of stuff. Glasses. I mean, stuff that is there that belongs to Mr. Jackson.
Q. There are phones, right?
A. There's a phone, yes.
Q. Virtually anyone can walk in or out of that office, right?
A. Yes.
Q. You were not the only one using that office at that point in time, right?
A. No, because everybody can go in and use it.
Q. Were you the only one using the drawers in that office at that point in time?
A. No, not necessarily.
Q. In fact, other people used those drawers and 12113

didn't tell you what they put in them, right?
A. Well, I know pretty much I knew what was in those drawers.
Q. Well, if you were on a drive to L.A. and back, you wouldn't know who was in or out of that office, right?
MR. AUCHINCLOSS: Objection; argumentative.
THE COURT: Sustained.
MR. MESEREAU: No further questions.

REDIRECT EXAMINATION
BY MR. AUCHINCLOSS:
Q. Mr. Salas, I wanted to just make sure I understood one thing about your testimony correctly. Mr. Mesereau asked you at the beginning of his cross-examination if you saw Mr. Jackson intoxicated only three times. Is that accurate, that you saw him intoxicated only three times?
MR. MESEREAU: Your Honor, I limited that to the time period.
MR. AUCHINCLOSS: Okay. Let me rephrase.
Q. Let's say during the last -- during the year 2003, how often did you see Mr. Jackson intoxicated?
MR. MESEREAU: Objection; foundation.
THE COURT: Overruled.
Q. BY MR. AUCHINCLOSS: You may answer.
A. Lately, it was -- it was a lot. I mean, I would say it was -- it became to the point that he 12114

was intoxicated a lot.
Q. How often in a week?
A. I'll say, you know, four times maybe, or more than that.
Q. And Mr. Mesereau asked you a number of questions about whether certain things were reported to you, such as children asking for vodka in a drink. That was never reported to you?
A. That was never reported to me, no.
Q. Or children writing something nasty on a wall. That was never reported to you?
A. That is correct.
Q. Now, do the amusement park operators report to you as the house manager?
A. No, they never reported it to me.
Q. So I believe your former testimony is that only the maids would report to you, and the chefs, the people who work in the house?
A. Yes.
Q. And can you tell me, is there a general rule concerning giving children what they ask for at Neverland?
MR. MESEREAU: Objection; beyond the scope.
THE COURT: Sustained.
Q. BY MR. AUCHINCLOSS: Well, if a child asks for something like vodka from somebody, is that something that would necessarily be reported?
MR. MESEREAU: Objection. Argumentative; 12115

beyond the scope.
THE COURT: Overruled.
Q. BY MR. AUCHINCLOSS: I mean, is that
something that you've seen reported before?
A. Well, I would say that it had to be
reported.
Q. I'm sorry?
A. It had to be reported if there was something
like that, yes.
Q. And did you ever see a report of that
nature?
A. Never got any reports.
Q. Then how do you know it had to be reported?
A. Well, I'm saying because if it's a kid, and
the kid is asking for a drink, you know, somebody
needs to tell somebody.
Q. So that's the type of thing that would have
been reported if it happened?
A. Absolutely, yes.
MR. AUCHINCLOSS: Thank you. No further
questions.
MR. MESEREAU: No further questions.
THE COURT: All right. Thank you. You may
step down.
Call your next witness.
MR. AUCHINCLOSS: Call Vic Alvarez.
THE COURT: Come forward, please, to the
witness stand. You may be seated. You're still 12116

under oath.
THE WITNESS: Thank you, Your Honor.

VICTOR ALVAREZ
Having been previously sworn, resumed the stand and testified further as follows:

DIRECT EXAMINATION
BY MR. AUCHINCLOSS:
Q. Good afternoon, Mr. Alvarez.
A. Good afternoon.
Q. I should say “Detective Alvarez.”
Did you interview an employee of Neverland Ranch by the name of Julio Avila?
A. I did.
Q. And did that interview take place on March 21st, 2005?
A. Yes.
Q. All right. And why did you interview Mr. Avila on that date?
A. I had received a defense interview that had been taken by a private investigator.
Q. And did you go to confirm some of the information that you received in that report?
A. I did.
Q. Did you ask Mr. Avila some questions about the Arvizo family operating one of the amusement park rides at Neverland Ranch? 12117

A. Yes.
Q. What did he tell you?
A. He said that -- I asked him in particular the ride, I believe it was the swing, how it operated. He said it had an “off” and “on” button, and that Star had started the ride after watching him operate it.
Q. Did he tell you which Arvizo children were present when that ride was being operated?
A. Yes, he did.
Q. Who was present?
A. He said all three were present.
Q. Did he tell you whether or not there were any other children who were in the amusement park area during that time?
A. Only the three children were present.
Q. There were no other children present?
A. No.
MR. SANGER: Objection; leading.
THE COURT: Overruled.
Q. BY MR. AUCHINCLOSS: Did he say anything about operating a Zipper ride immediately before he went over and stopped the Arvizo children from operating that ride?
A. Yes.
Q. Did he say who he was operating that Zipper ride for?
A. No. 12118

Q. Did you ask him about the Arvizo children and their behavior in general?
A. Yes.
Q. Did you ask him about whether or not they crashed any carts, or did he give you any information about that?
A. Yes. He -- I believe he did say that they would ride the carts recklessly, but he said all the kids -- I think he was pretty general about all the kids ride the carts recklessly.
MR. SANGER: I'm going to move to strike after, "Yes." He said they did. Nonresponsive.
THE COURT: Stricken; nonresponsive. The answer is, "Yes."
MR. AUCHINCLOSS: That's fine.
Q. Did he say anything about how all the kids operated carts at Neverland?
A. He did.
MR. SANGER: Objection; relevance.
THE COURT: Overruled.
Q. BY MR. AUCHINCLOSS: What did he tell you about that?
A. He said that all the kids ride the carts recklessly.
Q. Did he tell you anything in general about the behavior of children who are guests at Neverland?
A. I asked him. 12119

Q. All right. And did he answer you?
A. Yes.
Q. What did he tell you?
A. He said that basically the kids are free to do whatever they want. And I asked him, “Do they pretty much run amuck here?” And he said, “Yes.”
Q. At some time during your interview, did he ever express some confusion as to whether or not he was talking about the behavior or misbehavior of the Arvizo children as opposed to the Cascio children?
MR. SANGER: Objection; calls for a conclusion without foundation.
THE COURT: Sustained.
Q. BY MR. AUCHINCLOSS: Did he ever express to you any indication that he didn’t understand he was talking -- you were talking about the Arvizo children?
A. Yes.
Q. And how did he express that?
MR. SANGER: I’m going to object. I may have to object to the last question in order to make it correct, so I’d move to strike the answer for the purpose of objecting that it calls for a conclusion without a foundation.
THE COURT: Overruled.
You may answer.
THE WITNESS: The question again, please?
Q. BY MR. AUCHINCLOSS: The question was, how 12120

did he express to you any confusion he had over which family you were trying to ask him questions about?
A. He did not know the sister's name, and he was confusing names of the two families.
Q. Did he ever say anything to you about where he believed the family that was -- that you were asking questions about, did he ever indicate where he believed they were from?
A. He just said they were not from California.
Q. Did he ever indicate to you whether or not he filed reports on any of this information that he was giving you?
A. He did not file any reports.
Q. Did he ever indicate to you whether or not he had knowledge that Mr. Jackson possessed erotic materials, adult erotic materials in his bedroom?
A. Yes.
Q. What did he say?
MR. SANGER: I'm going to object. This is without foundation.
THE COURT: Overruled.
You may answer.
MR. SANGER: Well, I'm -- okay.
THE WITNESS: We were --
MR. SANGER: It seems to me there should be a foundation first as to how this witness would have known -- 12121

MR. AUCHINCLOSS: I'll object to the speaking objection. This is impeachment of the testimony.
THE COURT: The objection was overruled. Go ahead.
THE WITNESS: There was mention of adult material and where it had come from. And I asked him if it came from -- "Could it have possibly come from Mr. Jackson's bedroom?" at which time he said, "Yes, it could have" --
MR. SANGER: I'm going to object and move to strike. That's just based on speculation. It's not impeachment.
MR. AUCHINCLOSS: I don't think he's finished answering the question.
THE COURT: Are you finished? Had you finished answering the question?
THE WITNESS: No, Your Honor.
THE COURT: All right. Go ahead and finish.
THE WITNESS: He said, "Yes, it could have come from the bedroom."
Q. BY MR. AUCHINCLOSS: And did he say why?
A. He was aware that there was this type of material in the bedroom.
MR. SANGER: Your Honor, it's improper impeachment if there's no foundation for the testimony, the hearsay. I object.
THE COURT: I'll sustain that objection and 12122

strike his answer.
MR. AUCHINCLOSS: I believe -- well --
THE COURT: Being aware lacks foundation, personal knowledge.
MR. AUCHINCLOSS: We did -- well, I could ask to tell you at sidebar that there was specific testimony regarding this that goes to this impeachment, irrespective of foundation.
MR. SANGER: I mean, I know what it is, if there's any question in the Court's mind.
THE COURT: Well, come forward.
(Discussion held off the record at sidebar.)
THE COURT: I'm going to strike this witness's testimony concerning what knowledge Mr. Avila had about adult material, and I'm going -- at the ranch, and I'm going to base that ruling on the fact that there is insufficient foundation for that testimony, so the jury's ordered to disregard that testimony.
MR. AUCHINCLOSS: Thank you, Your Honor.
Q. Mr. Alvarez, during this interview that you had with Mr. Avila, did you ask him generally about the behavior of the Arvizo children at the ranch?
A. I did.
Q. Did he ever mention to you anything about the Arvizo children misbehaving using the quads?
A. No.
Q. Lastly, did you attempt to contact Chris 12123

Tucker as a witness in this case?
A. I did.
Q. On how many occasions?
A. Three different occasions.
Q. And how did you go about doing that?
A. Mr. Tucker lives in the L.A. County area. It's a gated community. So every time you pull up to the guard shack, they ask you who you are and what your business is. So I would identify myself as a detective with the sheriff's department. I had his address. The guard takes down the license plate of your vehicle, and I went to his residence.
Q. So you actually made it through the gated entry?
A. I did.
Q. Did you go to his residence?
A. I did.
Q. Is his residence gated?
A. No.
Q. Did you go to his front door?
A. I took pictures of his residence, and then I went to his front door.
Q. Did you ever make contact with anybody at Mr. Tucker's residence?
A. No, I didn't.
Q. Did you leave your business card?
A. I did.
Q. Did you write any notes on that card? 12124

A. I did.
Q. What did you leave as a note?
A. On -- my business card has my name, my title, and phone numbers. And I would put on the bottom “Over,” and on the back side, I wrote, “Please call me,” and I’d put my cell phone down on it.
Q. You did this on how many occasions?
A. Three different occasions. I would leave a card on the front door and the mailbox.
Q. Each time?
A. Yes.
Q. Did you ever make contact with Mr. Tucker’s attorney?
A. I did.
Q. On how many occasions?
A. I believe it was one time.
Q. And did you request of Mr. Tucker’s attorney that Mr. Tucker contact you and allow you to interview him?
A. I did.
Q. Have you ever received any calls from Mr. Tucker or his attorney to set up an interview for the purposes of this case?
A. No.
MR. AUCHINCLOSS: Thank you. No further questions.
// 12125

CROSS-EXAMINATION
BY MR. SANGER:
Q. Detective Alvarez, first of all, with regard to Chris Tucker, how many times did you go to the actual residence of Mr. Tucker?
A. Three times.
Q. Three times to the front gate?
A. To the front door of his residence.
Q. Okay. So you went to the gate, and three separate times you were allowed to go through the gate to go to his front door?
A. Yes. Actually, after the first time, the guard knew me and just waved at me.
Q. I didn't ask that. I asked did you go to his front door?
A. I went to his front door of his residence, not of the guard shack.
Q. Okay. That's what I'm asking. You went to the front door of his residence?
A. Yes.
Q. And you're saying he was not there or nobody answered the door each of the three times?
A. That's correct.
Q. So the guards did not get permission to let you through from Mr. Tucker. They let you through because you showed a badge and said you had business there?
A. That's correct. 12126

Q. Were you ever on the property at any time when you saw Chris Tucker's mother?
A. No.
Q. And you believed you went to the correct house?
A. Yes.
Q. You took pictures of it?
A. I did.
Q. All right. Now, with regard to Mr. Tucker's lawyer -- let me withdraw that.
First of all, on one of those occasions you left a card; is that correct?
A. No, I said on three occasions I left a card.
Q. All three occasions you left a card?
A. Yes, I did.
Q. In response to having a card left, on one occasion you got a call back from Chris Tucker's lawyer; is that correct?
A. No.
Q. You called Chris Tucker's lawyer yourself?
A. I did.
Q. How did you know who his lawyer was?
A. I believe it was given to me by one of my supervisors.
Q. Okay. Do you know if Chris Tucker's lawyer called to say, "I'm Chris Tucker's lawyer"?
A. I spoke to him.
Q. Okay. Before you spoke to him. 12127

A. Okay.
Q. Before you spoke to him, one of your supervisors gave you a name and said, “Here’s his lawyer,” right?
A. Correct.
Q. And then you called him up?
A. Correct.
Q. All right. Now, and then Mr. Tucker -- Mr. Tucker’s lawyer, do you remember his name?
A. I don’t.
Q. Is that Mr. Sweeney, by any chance, or is it somebody else?
A. The name sounds familiar, but I can’t positively say that that was his attorney.
Q. Okay. Do you know how many attorneys Mr. Tucker has?
A. I don’t.
Q. Okay. Now, you’ve been around for some time working in the courts as well as being on the street and being a detective, correct?
A. Yes.
Q. All right. You’re aware that people who are movie stars or celebrities tend to have a number of different lawyers; is that correct?
A. Yes.
MR. AUCHINCLOSS: Objection. Relevancy and assumes facts.
THE COURT: Sustained. 12128

Q. BY MR. SANGER: When you talked to this lawyer - you can't remember his name - do you recall what capacity he was calling you back in? Did he tell you, "I'm an entertainment lawyer," or a --
A. He didn't call me back. I actually made contact with him when I called him.
Q. I'm sorry. I think you said that. It gets to be this time of day and sometimes --
A. I understand.
Q. I missed that. In any event, you called him?
A. Yes.
Q. Did he tell you what his capacity was? "I'm Mr. Tucker's entertainment lawyer," or "I'm a lawyer who" --
A. "I'm Mr. Tucker's lawyer. What can I do for you?"
Q. And you had asked to have a meeting with Mr. Tucker?
A. I asked him if -- well, I told him who I was, and I told him I would like to interview his client.
Q. Okay. All right. And did you call him back after that?
A. No.
Q. So you called him one time, and that was it?
A. He told me Mr. Tucker had nothing to say.
Q. Okay. Did you call him that one time and 12129

that was it?
A. There's no reason for me to call him back after that comment.
Q. I see.
Did you go out to Mr. Tucker's house before or after you had that conversation with this lawyer who said, "Mr. Tucker has nothing to say"?
A. This was after.
Q. The call was after? Or the visits were after?
A. The visits were after.
Q. The visits. So after Mr. Tucker's lawyer said he has nothing to say to law enforcement, you then went to his house three times and left cards?
A. When I called his attorney, it was early on in the investigation, and I would say it was probably in '04 sometime. When I went to Mr. Tucker's residence, it was earlier this year.
Q. All right. Now, having said all of that, a person has absolutely no obligation to speak to you under the law of California; isn't that right?
MR. AUCHINCLOSS: Objection. Argumentative; relevance.
THE COURT: Overruled.
THE WITNESS: That's true.
Q. BY MR. SANGER: Okay. And this is not the first witness who has refused to talk to you?
A. I wanted to talk to him. I didn't want to 12130

1 talk to his attorney.
2 Q. My question was, this is not the first
3 witness, in your experience as a law enforcement
4 officer, who has refused to talk to you, is it?
5 MR. AUCHINCLOSS: Same objection.
6 THE COURT: Sustained.
7 Q. BY MR. MESEREAU: All right. Do you think
8 it's possible that people who know Michael Jackson
9 feel that the Santa Barbara Sheriff's Department is
10 on a witch hunt?
11 MR. AUCHINCLOSS: Objection, Your Honor.
12 Argumentative.
13 THE COURT: Sustained.
14 Q. BY MR. SANGER: All right. Let me ask you
15 about the interview you had with Mr. Avila.
16 Now, this interview took place on March the
17 12th, I think it was?
18 A. 21st.
19 Q. I'm sorry, March the 21st. Okay. March the
20 21st of this year, correct?
21 A. Yes.
22 Q. And that was after Mr. Avila had already
23 been interviewed and submitted a declaration; is
24 that correct?
25 A. Three months after.
26 Q. Okay. So you were aware of basically what
27 he had to say by the time you went to see him; is
28 that correct? 12131

A. Well, I knew what was on the report. I didn't know what he had to say.
Q. All right. Now, when you went out to talk to Mr. Avila, where did you meet him, by the way?
A. I went to his residence.
Q. Okay. It was about 1:30 in the afternoon?
A. Yes.
Q. And you took the prior interview and declaration with you; is that correct?
A. I did.
Q. Was the prior interview with the sheriff's department?
A. I took the prior interview that he had done with the private investigator.
Q. So there was a private investigator's interview, and then a declaration that was prepared and he signed under penalty of perjury; is that correct?
A. It was a declaration that I had in my hand.
Q. So --
A. Because --
Q. Go ahead.
A. I suppose -- go ahead.
Q. Let me ask another question. Let's just clear that up, clear this up. When you say he had a prior interview with you, you had a report of an interview by a private investigator; is that correct? 12132

A. Yes. I don't think we had interviewed him prior, our department.
Q. And then -- that was my original question. Fine.
And then you had a declaration that Mr. Avila had signed under penalty of perjury?
A. All I had was a declaration with a signature at the bottom.
Q. In your report, you said you spoke to Mr. Avila concerning a prior interview and declaration. So your reference is to --
A. The one piece of paper that I had in my hand.
Q. So you believe that the declaration was a result of the prior interview. Was that the reference there?
A. Yes.
Q. All right. Fine. Most of -- almost all of what you went over with Mr. Avila was, in fact, consistent with his declaration, was it not?
A. I don't agree with that.
Q. All right. He said he worked as a ride attendant in the amusement park at Neverland Ranch; is that correct?
MR. AUCHINCLOSS: I'm going to object to counsel reading the interview into the record.
MR. SANGER: This isn't the interview. This is the report of the interview, but I'm hitting 12133

particular points.
Sorry to respond.
THE COURT: The objection is overruled.
Q. BY MR. SANGER: Do you have the question in mind?
A. No, I don't.
Q. I'll ask it again. Mr. Avila told you that he worked as a ride attendant in the amusement park area of Neverland Ranch, correct?
A. No, he didn't.
Q. Did he tell you -- well, he didn't say that?
A. He said he was a security guard, but used to be a ride attendant.
Q. What I asked you was, did he tell you he worked as a ride attendant in the amusement park area?
A. Prior.
THE COURT: Well, wait a minute. I'm going to go back, here. I'm going to sustain the objection. There's no sense in going through and asking those kind of questions. Let's move along.
MR. SANGER: All right.
THE COURT: The parts that, he's right, that they agree upon is not relevant. The parts they don't agree on is.
MR. SANGER: Well, prior consistent statements --
THE COURT: No. 12134

MR. SANGER: No? All right.
Q. You indicated that there was an issue about -- or let me put it this way: You testified, in response to questions from Mr. Auchincloss, that there were -- he had made some statements about who was present at the ranch at the time that he was operating some rides while the Arvizo children were there?
A. Yes.
Q. All right. Now, one thing, if I may, he did tell you he was a ride attendant at that time?
A. At that time.
Q. Okay. And when the Arvizo children were there, he told you about the time that Star Arvizo went over and started the swing ride; is that correct?
A. Correct.
Q. All right. And he said that -- you asked him who was present when Star did that, and he said that he couldn't remember the name of the sister at that point; is that correct?
A. Right.
Q. But he said -- he said Star and Gavin. He's the one that gave the names "Star" and "Gavin," correct?
THE COURT: Aren't you just doing what I've asked you not to do?
MR. SANGER: Well, this is the particular 12135

area that he was talking about, who was present, and I believe the issue was --
THE COURT: You can ask those questions.
What I don't want you doing is to read the report and ask him if that's right. The question of whether he said Star and Gavin were there is a legitimate question, but you're doing exactly what I asked you not to do.
MR. SANGER: Okay. I'm sorry. I will not look at it. I will try to do it this way.
THE COURT: It's one thing to ask him the facts. It's another to ask him whether he agrees with statements in the report. And you continue to ask him whether or not he agrees with statements in the report, which is what I don't want you to do.
MR. SANGER: Very well.
Q. So, Mr. Avila told you that Star was the one who tried to start the ride, correct?
A. Yes.
Q. And he told you he couldn't remember the sister's name, but he said the sister was there; is that correct?
A. Yes.
Q. And then he also told you Gavin was present, correct?
A. I don't know if he actually mentioned his name.
Q. Now, you asked him if anybody else was 12136

present, right?
A. Yes.
Q. He told you he couldn't remember whether or not other children were present at the ranch; isn't that correct?
A. He told me there was nobody else present.
Q. Where?
A. At the rides, at the amusement park.
Q. My question was, did he tell you he couldn't remember whether or not other children were at the ranch, were staying at the ranch at that time?
MR. AUCHINCLOSS: Objection; relevancy.
THE COURT: Overruled.
THE WITNESS: Possibly.
Q. BY MR. SANGER: Would it refresh your recollection to look at your report?
A. Sure.
Q. Do you have your report with you?
A. I do.
Q. I'd like you to look at page two at the bottom. Read it to yourself and see if that --
A. That's correct.
Q. Okay. Thank you.
Now, you asked him also -- you talked about the Arvizo children being destructive at the ranch, something to that effect?
A. Yes.
Q. All right. Isn't it a fact that Mr. Avila 12137

told you that other children would do things, but it seemed like the Arvizo children did this more often than other children?
That's offered for impeachment. I'm not --
THE COURT: I understand.
MR. SANGER: Okay.
THE WITNESS: Possibly, but there was more to it than that.
Q. BY MR. SANGER: I'd ask you to look at page three of your report and see if that refreshes your recollection.
A. Yes.
Q. Okay. And in fact, does that refresh your recollection that he said, quote, "But it seemed seemed like the Arvizo children did this more often than other children," close quote?
A. That's correct.
Q. When you put quotes in a report, that is a direct verbatim quote from what the person actually said to you; is that correct?
A. That's why I do that.
Q. Yeah.
May I have just a moment here, Your Honor?
THE COURT: Okay.
Q. BY MR. SANGER: And did Mr. Avila relate to you that Star Arvizo had written some obscene words on the wall in one of the control rooms?
A. Yes. 12138

Q. And he used the name “Star,” correct?
A. Yes.
MR. AUCHINCLOSS: I’ll object as beyond the scope.
THE COURT: Sustained.
Q. BY MR. SANGER: All right. And then what -- let me put it this way and see: On that last issue about the writing something obscene on the wall, was there any hesitation when Mr. Avila told you the name of the person that did it?
MR. AUCHINCLOSS: Same objection.
THE COURT: Overruled.
THE WITNESS: No.
MR. SANGER: And may I ask, then, the name of the person?
Q. What was the name of the person he gave you who did it?
A. Star.
Q. Okay. Thank you.
And with regard to the pornographic magazines, did Mr. Avila tell you the name of the child who had the pornographic magazines that he brought from home?
MR. AUCHINCLOSS: Objection; beyond the scope.
THE COURT: Overruled.
THE WITNESS: It’s “magazine.”
Q. BY MR. SANGER: Or “magazine.” All right. 12139

I'll accept that for now, but did he tell you the name of the person who did that?
A. Yes.
Q. Who was it?
A. Star.
Q. I'm sorry?
A. Star.
Q. And if you look at the bottom of page four -- let me ask you if that helps refresh your recollection as to whether or not Star had pornographic "magazines" as opposed to a "magazine."
MR. AUCHINCLOSS: Objection; beyond the scope.
THE COURT: Overruled.
THE WITNESS: I can explain that, but it does say "magazines."
Q. BY MR. SANGER: So your reference, though -- your understanding was he was talking about Star having one magazine in his pocket or one magazine in his possession that he said he brought from home?
A. I was referring to what was written in the investigative report from the private investigator, and it said "magazines."
Q. Okay.
A. And that's what I thought, it was magazines.
Q. So when you asked him about that, he said Star told him that he brought the pornographic magazines from home; is that correct? 12140

A. Yes.
Q. And then you clarified with Mr. Avila that he had seen one magazine in Star's possession; is that correct?
A. Yes.
Q. All right. Now, you said something else about, "Did Mr. Avila ever tell you about the quads?" I don't have the exact quote, but it was something to that effect, and you said, "No, he didn't."
Do you remember that question and answer?
A. Yes.
Q. Did you ever ask Mr. Avila about the quads?
A. No.
MR. SANGER: No further questions.

REDIRECT EXAMINATION
BY MR. AUCHINCLOSS:
Q. Just one question. Detective Alvarez, when Mr. Avila was describing the issues concerning the writing of the information on the control room, I believe it was a control door of some type --
A. Yes.
Q. -- and when he was referring to the issue regarding pornographic magazines or a magazine, was this after or before the confusion was cleared up about which family you were talking about with Mr. Avila? 12141

MR. SANGER: I object. That misstates the evidence; assumes facts not in evidence.
THE COURT: It's a difficult question.
MR. AUCHINCLOSS: Yeah, I can rephrase it.
Maybe make it a little simpler.
Q. You previously mentioned that there was some discussion between you and Mr. Avila regarding whether or not you were talking about the Arvizo family or the Cascio family, correct?
A. Correct.
Q. Did that discussion take place before or after you talked to him about the magazine?
A. That was before.
Q. Did that discussion take place before or after you talked to him about the writing that Star did?
A. As far as which family it was, it was before.
Q. Okay. So you had already had a discussion about the individual names of the children before you spoke to him about those two incidents?
A. Yes.
MR. SANGER: Objection.
MR. AUCHINCLOSS: All right.
MR. SANGER: Objection. It's argumentative and misstates the evidence.
THE COURT: All right. Overruled. The answer is in. 12142

MR. AUCHINCLOSS: Thank you. No further questions.
THE BAILIFF: Judge, it's --

RECROSS-EXAMINATION
BY MR. SANGER:
Q. Here's what I'm getting at: The original discussion, when you first started, you were asking him if he was talking about the Cascios or the Arvizos. Do you remember that?
A. Yes.
Q. And he told you that he was talking about the Arvizos, and they were more destructive than the Cascios, correct?
A. I think he said "than other kids." He didn't specify.
Q. And he said he recalled the Arvizo boys were the ones throwing things and spitting at employees from the rides?
MR. AUCHINCLOSS: Objection; beyond the scope.
MR. SANGER: That's the place where he was --
MR. AUCHINCLOSS: Objection; speaking.
MR. SANGER: -- clarifying it.
THE COURT: Go ahead. You may answer that.
THE WITNESS: Repeat your question.
Q. BY MR. SANGER: During this conversation, he 12143

told you that he recalled the Arvizo boys throwing things and spitting at employees while on the rides, correct?
A. Yes.
Q. And he told you that the Arvizo boys would throw their shoes off the top of the Ferris wheel, correct?
A. Yes.
Q. And then he said that the Cascio children were also active, but not as active as the Arvizo boys, correct?
A. Yes.
Q. And thereafter, when he -- when he talked about -- let me withdraw that.
At all times when he talked about Star and Gavin, he used their first names as “Star” and “Gavin,” correct?
A. Not at first, no.
Q. The very beginning of your interview with him, he told you -- let me withdraw that.
Before that conversation we just had about who was more active, the Arvizos or the Cascios, he had told you specifically that Star Arvizo was the one that started the swing ride, correct?
A. I don’t recall if he used the name, but he did say the younger of the two brothers.
THE COURT: Let’s -- just a minute. I’m letting this go on, but the reason is, I understand 12144

this is the last witness we have today, right?
MR. SNEDDON: Yes.
THE COURT: I don't want to take a break and
come back for one question if we're going to release
the jury. That's why I'm sitting here, just so
everyone understands. "Everyone" being the jury.
MR. SANGER: With that kind of pressure, I
have no further questions.
MR. AUCHINCLOSS: No.
THE COURT: All right. You may step down.
THE WITNESS: Thank you, Your Honor.
THE COURT: So that is the last witness,
right?
MR. SNEDDON: It is, Your Honor.
THE COURT: For today. We have witnesses
tomorrow.
MR. SNEDDON: We do. And can I request the
Court stay on the bench after the jury leaves?
THE COURT: Yes.
(To the jury) So I'm going to excuse you
now for the rest of the day and we'll see you
tomorrow morning at 8:30.
What, did they lock you out?
AN ALTERNATE JUROR: Roadblock.

(The following proceedings were held in
open court outside the presence and hearing of the
jury:) 12145

THE COURT: All right. The door's closed.
MR. SNEDDON: Thank you, Your Honor. I appreciate that.
I wanted to have the Court remain just briefly because I wanted the Court to have an opportunity -- we intend to move the Court tomorrow morning, as part of our evidence, to play the videotape interview, the initial interview with Gavin Arvizo which occurred in July of 2003. And I wanted to have the exhibit marked, and I'm sure the Court would like to look at it in advance in order to make a ruling. I shouldn't say I'm sure you would like to, but I'm sure the Court would feel compelled to do that.
And the video is about an hour long, and there are -- if the Court could make a note that when the video gets to, on a timer, 49 minutes and 50 seconds, that there is a portion that we would propose be deleted, up to 51 minutes and 45 seconds. And then that the videotape be terminated at one minute and four seconds -- I'm sorry, one hour and four minutes and ten seconds. The actual length is one hour and four minutes and 30 seconds. We feel that the materials contained within the time frame that we've delineated would not be appropriate and would be, in our view, prejudicial and so we're taking them out on our own. 12146

But we would like to play it. We believe that the tape is relevant on the issues of prior consistent statements made by Gavin Arvizo, and we believe it is also relevant, particularly relevant, on the issue of whether or not the testimony of the child was scripted.

They put a witness on, Mrs. Holzer -- Miss Holzer, to indicate that Mrs. Arvizo was in the habit and custom of having her kids script things, and there's been other indications by the defense throughout this trial that this whole thing was scripted by the mother. And I believe that this is relevant evidence on that issue for the jury in rebuttal to rebut that evidence that's been put on by the defense.

And that's our offer of proof, and I would like to have this marked as next in order, and if the clerk could help me -- actually, I have some tags.

MR. SANGER: While that's being marked, unless Mr. Sneddon has another comment, could I be heard on that briefly?

I have no idea what occurs during the deleted sections, so I have no opportunity to speak to that at this precise moment.

However, this is just the kind of rebuttal that is designed to be dramatic, and it's just what the Supreme Court said should not occur. It's a way 12147

to have Gavin Arvizo come back and testify, in essence, without cross-examination one more time in front of the jury right at the end of the case to bolster what is, I think, quite a weak case with quite a bit of impeachment as to this family.
And if they wanted to play this tape, they could have played it previously, because the impeachment occurred during the prosecutions's case. It continued during the defense case, but the impeachment was substantial during the prosecution case, and there's no reason why they couldn't have played it then and said, "Well, if you're going to suggest he made this up," you know, "let's play this tape."
And I'd remind the Court that we had police officers up on the stand who -- I believe Detective Robel and Detective Zelis, and we went over specific statements that were made in this interview that they now want to play. They held it. Instead of playing it at that time and saying, "Okay, we'll show you what it said," now they've held it until rebuttal to play it, and that's improper rebuttal. That's the kind of dramatic thing that should not be permitted.
The fact that there was other impeachment of Janet Arvizo during the defense case is hardly a reason to bring in this tape, when the actual impeachment of Gavin Arvizo occurred during the 12148

case-in-chief. So we would strongly object on that.
And also, of course, it could well -- I mean, we have to go back and look at it. I'm not saying this is a promise or a threat. I'm just saying it's -- as a lawyer, if we look at this, if this sort of thing starts to come in, obviously we may be playing other excerpts from other things, and, you know, he was interviewed several times, made several inconsistent statements over a period of time, depending on whether or not law enforcement knew of the rebuttal video and other things that have been brought out. And so we may have to play other parts or ask leave to play other parts.
I think it's too late. They had their opportunity, didn't take it. They can't do it now just for dramatic effect.
MR. SNEDDON: Judge, I take exception to what Mr. Sanger says, first of all, about the status of the evidence in this case, that we could have played this tape in our case-in-chief, because I don't think we could have. And second of all, I don't know it was at that point where the defense had raised, through evidence, the fabrication issue and the scripted issue.
And they have made a big deal about this and this family, and I think after the Court sees this videotape, it will see, as the jury should have the opportunity to see in a case of this importance, 12149

that this was far from videotape -- scripted, and we welcome Mr. Sanger to put on any other kind of videos that he wants. There's only one other one, it was a short one, with regard to the victim in this case, but we believe that the case that the defense has put on has raised this as an issue to the point where we feel we now are entitled, under the Evidence Code, to present it.

And this wasn't an issue we created. This is an issue they created. And they created it through their witnesses, not through ours. And it seems a little unfair, having sat through hours of outtakes and minute -- minutes of puff pieces about the ranch and some of the other videos that the defense was allowed to put on in their defense, that we can't now put on a piece of evidence that goes right to the heart of this case and to the heart of their defense.

And so I would ask the Court -- and we can talk about it after you see it, but I think you'll see what we're talking about, and I've had it marked as People's 900 for identification purposes, and --

THE COURT: That's a DVD, is it?

MR. SNEDDON: It is, Your Honor, a DVD.

MR. SANGER: Your Honor, I realize ordinarily it's argument, rebuttal, argument, but -- or response, rebuttal. In other words, I usually don't get another chance, but could I respond to one 12150

thing particularly? I want to make a legal point, if I could.
THE COURT: All right. One point.
MR. SNEDDON: I wasn't finished.
MR. SANGER: Oh, I'm sorry.
MR. SNEDDON: I wanted to alert the Court to one other thing, Your Honor, with regard to the video.
The sound on the video on this particular DVD, the sound is not the greatest, and it may be that you need amplification. The courtroom will be no problem. Everybody can hear it. But I know when you listen to it on the DVD, you may have to use headphones to hear it, or maybe your computer can jack up the sound, but I wanted to alert you to that.
If that's a problem, we have a VHS version of it that we can bring over that you can plug in, and it has no problems. So I wanted to let the Court know that.
I'm sorry, Counsel.
MR. SANGER: On that last point, VHS or otherwise, it just needs to be marked for identification, whatever it is, so we know what we're talking about.
The legal point is, in addition to what I've already said about the dramatic effect, there's also a confrontation issue with regard to this, and I 12151

think under Crawford, which is still law that is developing from the United States Supreme Court, I think under Crawford, the confrontation issue here would involve a constitutional right of the defendant.

This witness, had it been brought out while he was in the case-in-chief, we could have -- maybe could have dealt with it. And even then, it would only be -- it could only be offered for prior consistent statements where inconsistent statements were offered, it seems to me.

But to bring it out now really denies the right of confrontation. So --

THE COURT: Okay.

MR. SANGER: I take it the Court's going to watch it, or listen to it, or -- I don't know.

THE COURT: Well, do you think I should just rule out of hand? Just deny playing it and not know what it says?

MR. SANGER: Not necessarily, but I think the offer from the prosecution was such that I think the Court knows it's a long video of the complaining witness, so I suppose you could rule based on that alone, but that's why I said I assume the Court's going to watch it.

THE COURT: All right.

All right. Let me -- on another issue here, looking at your witness list here for tomorrow, it 12152

looks like you also put “slash Friday.” Is that your thinking? This is going to go into Friday?
MR. SNEDDON: No, I really think -- most of those witnesses are very short, Your Honor, and of course I can’t account for cross-examination and who’s doing it, but I really -- I think there’s every reason to believe we will finish on Thursday, and maybe it could flop over, Your Honor. You know how it is in trial. But our expectation is that some of these people are like some of these witnesses today, like we ask three or four questions and that’s it. And several of them have to do simply with establishing the records, custodian of records, that we want to ask a couple of questions about.
But frankly, I don’t -- the only one that’s problematic is Mr. Geragos, and that involves a discussion that I need to have with counsel on some of those e-mails about whether -- you know, his establishing the foundation for some of those.
But I’m telling the Court that we are doing the best we can to try to get this done tomorrow. And that’s all I can promise you.
THE COURT: Okay.
MR. SANGER: Now, in that --
MR. SNEDDON: Could I --
MR. SANGER: In that regard, before we change to another subject, and I’ll just sit here if 12153

that's all right, depending on what the Court does with this tape, if the Court allows the tape to be played, we will then want to have Gavin Arvizo available for surrebuttal. And if the prosecution's going to rest on Thursday, rest their rebuttal on Thursday or early Friday, he would be one of the witnesses we would -- I believe right now we would want to call.

Obviously, this is a fairly spontaneous decision, but I believe that's the case, and we were required -- and appreciate also the courtesy. We're required to let the District Attorney know if we need any of the Arvizos here, rather than subpoena them directly or contact them directly, so I just want to let the Court know that's what we are considering, and they should make arrangements to have him available, if possible. Or even if it's not possible, for that matter.

MR. SNEDDON: Well, I'm -- we will do what we promised to do for the Court. And we'll discuss the relevancy and the appropriateness of that when we come to that.

Judge, could I make one other comment? I know the court personnel needs to take a break, too, but I promise it will only take a second, but it's important in terms of the schedule.

We filed a motion with the Court with regard to the limiting instruction on the Bashir outtakes. 12154

Not on the Bashir outtakes, the Hamid outtakes. And you recall, at the time you agreed to play them, you said you were deferring the ruling on whether it's hearsay or whether it was going to be a similar instruction to the Bashir tape itself.
Obviously, if the Court's going to determine that those outtakes come in for the truth of the matter stated, we will expand our rebuttal to confront the questions that were made. I sincerely believe, in all honesty, that it should -- the jury should be instructed the same way they were as to the Bashir tape, and I hope the Court will do that.
But I wanted to tell you, if you decide to do otherwise, I will have to represent to the Court that our rebuttal would be substantially longer, to take on some of the issues in those outtakes, as to the truthfulness of those statements.
THE COURT: The instruction that we gave on the Bashir tape was that it was not being admitted for the truth of the matter asserted, with the exception that some statements by the defendant were being admitted to the truth of the matter asserted, right?
MR. SNEDDON: Except for those admissions dealing with -- the sleeping with boys admissions.
THE COURT: So you're proposing that same instruction?
MR. SNEDDON: Yes, sir, I am. And as a 12155

matter of fact, I read -- I went back last night in preparation for this, and I actually read your admonition to the jury, and it strikes me that we all forgot this; that we were going to tell them -- we were going to tell them what portions, because you say in your instruction -- you might want to look at it, but you say in your instruction that you were going to tell them what portions of that, at a later time, come in under those auspices, and I guess we really never did it. We kind of assumed they would figure that out on their own.

I might just say to the Court, you might want to look at that to see if you want to give further clarifying instructions, and we had that motion where we did cull out, and the Court did cull out certain parts of that particular video that the Court did agree could come in for the truth of the matter, and we might want to highlight that to the jury so there would be no mistake to the jury what it is that the Court ruled in that respect.

I do believe that I will -- I do believe that in the outtakes portion, most of those admissions by the defendant that you admitted for the truth of the matter are not in that outtake part. Both counsel, I believe, probably, we should review that to make sure that my representation to the Court is correct. But that is a loose end that I noticed last night when I was preparing for this 12156

thing.
THE COURT: I have a note to myself on that issue, too.
MR. SNEDDON: All right. Thank you, Your Honor.
MR. SANGER: We have -- that took more than a second, but --
THE COURT: It was a lawyer's second.
MR. SANGER: A lawyer's second. And I'll just say --
THE COURT: It's like a New York minute.
MR. SANGER: It's the opposite of that.
MR. SNEDDON: See if you can do it in the same time.
MR. SANGER: I can do it in the same amount of time.
First of all, on those issues, we would like to be heard, and I don't want to press the Court and the staff while you're waiting for a break, but I would like to be heard on that motion that was filed in general, and what portions of the original Bashir tape should be received by the jury for the truth of the matter and how that should be presented to the jury, and then secondly, on the issue of whether or not the entire outtakes come in for the truth of the matter asserted as the context of the overall statements of the defendant.
So if the Court wants to hear it now, fine, 12157

but I suspect not.
THE COURT: No.
MR. SANGER: I'd be happy to address it some other time.
THE COURT: Okay.
MR. SANGER: And I did have one of those things that really would only take about 45 seconds. I have an exhibit I'd like to mark next in order, and it is a part of the Verizon bill for Neverland Valley Ranch that we received at the same time the prosecution did from the records, or the phone records that were subpoenaed. However, when the prosecution marked their records, they pared them down to the ones they wanted to use, of course, so this has not been admitted yet.
Mr. Sneddon agreed that he would not object to the foundation; in other words, that this is a phone bill that was prepared in the ordinary course of business and was presented to the Court under 1560 of the Evidence Code. Mr. Sneddon wants to argue relevance. But I'd like to get the first part done, and let the Court know that we then need to argue as to whether or not the jury should see this.
THE COURT: You can have that marked, then.
MR. SNEDDON: The representation by Mr. Sanger is correct. I waived the foundation, but I don't waive the relevancy and the materiality. Thank you. 12158

THE COURT: All right. We'll recess until tomorrow morning.
MR. SANGER: Thank you, Your Honor.
(The proceedings adjourned at 1:20 p.m.)
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REPORTER'S CERTIFICATE

THE PEOPLE OF THE STATE OF)
CALIFORNIA,)
Plaintiff,)
-vs-) No. 1133603
MICHAEL JOE JACKSON,)
Defendant.)

I, MICHELE MATTSON McNEIL, RPR, CRR, CSR #3304, Official Court Reporter, do hereby certify: That the foregoing pages 12013 through 12159 contain a true and correct transcript of the proceedings had in the within and above-entitled matter as by me taken down in shorthand writing at said proceedings on May 25, 2005, and thereafter reduced to typewriting by computer-aided transcription under my direction.

DATED: Santa Maria, California, May 25, 2005.

MICHELE MATTSON McNEIL, RPR, CRR, CSR #3304
OFFICIAL COURT REPORTER